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1.1 Accommodation of Teachers

1.1.1 Teacher Housing Authority of NSW (THA)

Teachers serving in country areas of the State sometimes have difficulty in finding suitable accommodation in towns where there is a shortage of satisfactory rental housing. To assist them, the THA provides a number of houses and villa units in many country localities.

The THA charges a market rate of rental for all its dwellings. However, teachers appointed to schools in six and eight transfer point localities receive a significant rental subsidy from the Department of Education and Training if they live in THA accommodation or rent privately because they are unable to obtain a THA dwelling.

For more information about the services provided by the THA, visit their website at www.tha.nsw.gov.au.
1.2 Assessment of Teachers

The Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award 2001 indicates at Clause 6, Teacher Quality that the determination of efficiency of all officers shall be by way of the Teacher Assessment Review Schedule (TARS).

1.2.1 Introduction

Each year principals are required to complete the Teacher Assessment Review Schedule (TARS) relating to the efficiency of all teachers. District Superintendents complete an Assessment Review Schedule for all principals.

In addition, the principal will normally assume final responsibility for the report and recommendation on permanent teachers on probation and temporary teachers in their first year of service.

It should be noted that the efficiency of a teacher can be called into question at any time after the teacher has had the benefit of a formal program of support and if the principal is of the opinion that the teacher’s efficiency is such that any further assistance is unlikely to bring about sufficient improvement.

1.2.2 Efficiency of Certified Teachers

1.2.2.1 Teacher Assessment Review Schedule

Each year the principal must certify the efficiency of all teachers on the Teacher Assessment Review Schedule (TARS).

Key features of the agreed process are:

Provision of feedback on teachers’ performance through the principal (or nominee) ensuring that the teacher’s performance is appraised by annual review. This appraisal is based on a strengthened teacher assessment review process, which is implemented as follows:

- An officer shall be entitled to progress along or be maintained on the common incremental scale or the salary level for a promotions position after each 12 months of service subject to the officer demonstrating by means of an annual review, continual efficiency in teaching practice, satisfactory performance and professional growth.

- The officer’s principal (or nominee) shall be responsible for annually reviewing the performance and development of the officer undertaking his/her work.

- For school teachers (including temporary teachers) this annual review shall be supported by:
  - conferences between the teacher and the principal (or nominee);
  - observations of educational programs;
  - review of documentation such as lesson planning, lesson material and student work, plans, evaluations and reports, as appropriate.

- In implementing the annual review the principal (or nominee) will take into account the following:
  - the level of experience of the teacher (so that less experienced teachers are given greater attention); and
  - the particular circumstances of the school.
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- The annual review for teachers shall be reported by way of an amended Teacher Assessment and Review Schedule.

TARS is completed by recording:

- Teachers Demonstrating Continuing Efficiency in Teaching Practice.
- Teachers on Probation.
- Probationary Teachers who are on an Improvement Program or who are determined as not satisfying requirements for position held.
- Teachers who are on an Improvement Program or whose efficiency has been identified as causing concern.

The principal also certifies that documentation of policies and practices for the annual review process exist at the school.

In the case of district relief teachers, itinerant teachers and teachers operating in more than one school, the principal should consider the advice of principals of other schools serviced by that teacher before completing the schedule.

In the case of school counsellors, the principal should consider the advice of the district guidance officer and the principals of other schools to which the school counsellor is currently assigned, before completing the schedule; and in the case of district guidance officers the advice of the principal education officers in the Student Welfare Directorate is to be considered before completing the schedule.

Principals must complete the schedule for any teachers who are not on duty at the time of the submission of the TARS and where a teacher has recently arrived at the school, that is within one school term, advice should be sought from the teacher’s previous principal before completing the schedule.

Teachers on leave at the time the assessment is due should be considered to have the same efficiency determination as that last determined prior to the teacher going on leave.

In relation to temporary school teachers:

(i) only those teachers who have been engaged full-time or part-time for eight weeks or more in the school are to be included in the Schedule.

(ii) temporary school teachers need to be included in the Schedule of one school only viz the school at which the majority of the “temporary” work is undertaken; and

(iii) temporary school teachers who are also permanent part-time teachers are to be included in the Schedule as a permanent part-time teacher rather than as a temporary school teacher.

The original copy of TARS is to be forwarded to the district superintendent. Each district will compile a database from school returns. This database and the original copy will be submitted to Staff Efficiency and Conduct Unit. A copy is retained at the school.

1.2.2.2 Teachers on Probation and Temporary Teachers in their First Year of Service

In addition to identifying permanent teachers on probation and temporary teachers in their first year of service on the schedule principals must, at the appropriate time, submit a report on these teachers through the district superintendent.

Reports are to be submitted no earlier than the completion of two terms of service.
from the date of appointment.

1.2.2.3 Teachers Whose Efficiency is Causing Concern

This section details the procedures and timelines which must be followed in cases where a teacher’s efficiency causes concern (including principals and executive staff).

Efficiency of Teachers

The NSW Department of Education and Training is committed to ensuring that it has efficient teachers who are skilled and committed to meet the needs of students, schools and the needs of the public education system. Basic principles underpinning this commitment are:

- Students have a right to be taught by competent teachers.
- Teachers have a right to fair treatment; to receive honest, valid and constructive feedback; to be fully informed of matters which significantly affect them; to be given the opportunity to respond to statements or decisions affecting them and to have that response fully considered; and to have access to professional support and training. Teachers have the right to request a support person throughout these procedures.
- Principals are responsible for dealing promptly and fairly with instances of teacher inefficiency.
- The school is the most effective environment in which to foster teacher improvement.
- The NSW Department of Education and Training has a responsibility to take appropriate action, including dismissal, when it is evident that a teacher has failed to respond adequately to an improvement program.

What is Teacher Efficiency?

Teacher efficiency is defined as a level of performance that satisfies requirements for the position held. A teacher’s efficiency can be questioned at any time.

Teacher inefficiency in schools is unacceptable, because it disadvantages the education and welfare of students. Action to improve efficiency to an acceptable standard is essential. This is a shared responsibility of the teacher concerned, executive staff and the principal. In the rare circumstance that an inefficient teacher fails to respond adequately to a structured improvement program the employment of that teacher may be terminated.

It is important to remember that teachers may have difficulties which affect their efficiency for a number of reasons including any or all of the following:

a) professional problems including classroom management, teacher-student relationships, planning, communicating;

b) school management, organisation and system shortcomings;

c) personal difficulties being experienced both within and outside the school. Principals should be both sympathetic and careful to understand the reasons for personal difficulties experienced by members of their staff; and

d) health problems. Where a teacher’s poor performance appears to be directly related to a health problem, fitness to continue teaching may be determined by medical examination/health assessment.

It is necessary to distinguish between inefficiency and misconduct. Misconduct can be
a single incident which can be proved or disproved. One incident of a teacher having difficulty does not prove that the teacher is inefficient but simply shows that he or she has experienced difficulty once. Whilst misconduct can be an isolated or specific event, inefficiency is a pattern of behaviour. Misconduct may require a prompt disciplinary response, in contrast to the process for managing inefficiency which is more comprehensive and developmental.

Responsibilities of Teachers

In performing their duties efficiently and competently, teachers have a particular responsibility to:

- assess and enhance their own performance;
- seek assistance from colleagues, including executive staff if they are experiencing difficulties;
- participate cooperatively in any program designed to assist them to improve; and
- provide assistance to colleagues experiencing difficulties, in the context of a negotiated program of assistance.

Responsibilities of Principals

Principals are responsible for the provision of quality education for all students in the school.

In fulfilling their responsibility for the leadership and management of staff in schools, including dealing with instances of inefficiency, principals have a particular responsibility to:

- monitor the performance of teaching staff and provide appropriate feedback;
- ensure that teaching staff, whose efficiency is of concern, receive guidance and support through a formal negotiated and documented program of assistance and, where there is no improvement, through an improvement program;
- properly inform teaching staff about these procedures and timelines and of any statements or decisions arising from the procedures which affect them;
- ensure that teaching staff have the opportunity to respond to statements or decisions arising from the application of these procedures and properly consider such responses; and
- prepare all relevant documentation and report, as appropriate, to the assistant director-general on a teacher’s efficiency.

Procedures for Dealing With Teachers Whose Efficiency is Causing Concern


1.2.3 Reports by Principals on Teachers on Probation and Temporary Teachers in their First
Year of Service

1.2.3.1 Categories of Teachers

a) Permanent teachers on probation

Teachers with certificate attainments who have not completed the prescribed period of probationary service for the award of a teacher’s certificate issued by the Director-General in terms of the Teaching Services Act 1980 require a report for the award of a Teacher’s Certificate.

b) Teachers employed in a temporary engagement

Teachers employed under Section 50 of the Teaching Services Act 1980 require a report for the award of a Teacher’s Certificate.

c) Re-employed teachers in their first year of service

Re-employed teachers, whether permanent or temporary, who have a New South Wales Teacher’s Certificate require a report, attesting to their efficiency in their first year of re-employment.

d) Permanent part-time teachers on probation

Permanent part-time teachers with certificate attainments are eligible for the award of a Teacher’s Certificate on the completion of the equivalent of one year’s full-time service and require a report for the award of a Teacher’s Certificate.

e) Casual teachers

Casual teachers may seek a report leading to the award of a Teacher’s Certificate provided they satisfy certain requirements. See Section 9.2 for details.

1.2.3.2 Procedures to be Followed for all Teachers Other than Casual Teachers

Principals should bring to the attention of teachers the criteria and procedures by which their efficiency will be assessed.

Permanent teachers on probation and temporary teachers in their first year of service will be given assistance, guidance and support to assist them to reach a satisfactory level of performance.

Reports are to be submitted no earlier than the completion of two terms of service from the date of appointment.

In the case of permanent part-time teachers reports are to be submitted no earlier than the completion of the equivalent of two terms of service from the date of appointment.

Prior to preparing a report the principal will discuss the proposed contents with the teacher. Before submitting the written report, it will be shown to the teacher who will verify having read the report by signing the original copy.

Where a teacher is considered to be not efficient, the principal is required to submit a report which clearly indicates the deficiencies in the teacher’s work.

These areas of concern must have been the subject of discussion and a program of assistance.

Where there is serious cause for concern the principal may submit a report at any
time.

A teacher does not have the right to request a formal assessment in lieu of a report by the principal.

1.2.3.3 Recommendations

A specific recommendation must be made on each report, as follows:

a) teachers on probation and temporary teachers in their first year of service.
   
i) Where teachers with certificate attainments satisfy requirements

   "It is recommended that (teacher’s name) efficiency be determined as satisfying requirements for position held, and the award of a Teacher's Certificate."

   Note: If the teacher has already been awarded a Teacher’s Certificate, e.g. for casual service, then the recommendation should read

   "... efficiency be determined as satisfying requirements for the position held."

   ii) Where teachers with certificate attainments do not satisfy requirements

   "It is recommended that (teacher’s name) efficiency be determined as not satisfying requirements for position held."

   iii) Teachers with specialist attainments

   Teachers who are classified as specialists are not eligible for the award of a Teacher’s Certificate until the requirements of the Teaching Services Act 1980 are met.

   These are as follows:

   a) the Director-General has certified that educational attainments have reached the required standard; and

   b) the Director-General or his nominee has certified that the quality of the teacher’s work for two successive years, or one year in the case of persons trained for three or four or five years, merits the award.

   A specialist certificate may be awarded where these requirements are not met. The appropriate recommendation will be:

   "It is recommended that (teacher’s name) efficiency be determined as satisfying requirements for position held and for the award of a specialist teacher’s certificate."

   or

   "... efficiency be determined as not satisfying requirements for position held."

   c) Permanent or temporary re-employed teachers

   Teachers will already have a Teacher’s Certificate.

   The recommendation to be made on these reports is as follows:
“It is recommended that (teacher’s name) efficiency be determined as satisfying requirements for position held.”

or

“... efficiency be determined as not satisfying requirements for position held.”

d) Casual teachers

“It is recommended that (teacher’s name) efficiency be determined as satisfying requirements for the award of a Teacher’s Certificate.”

1.2.3.4 Issue of Reports Following Determination

After the district superintendent has received a report from the principal and recorded the proposed determination, a copy of the report will be forwarded to the teacher with advice in the following form appended:

Following consideration of the above report and other evidence of your work it is proposed that your efficiency will be determined on

* ........................................ as ** ........................................

* A date set at 30 days from the date of dispatch of the report to the teacher.

** With one of the following inserted:

a) ...... satisfying requirements for the position held and the award of a Teacher’s Certificate.

b) ...... satisfying requirements for position held and the award of a specialist Teacher’s Certificate.

c) ...... satisfying requirements for position held.

d) ...... not satisfying requirements for position held.

e) For casual teachers:

...... satisfying requirements for the award of a Teacher’s Certificate.

A teacher has the right to request reconsideration of the proposed determination and/or report, provided that application in writing is made to the district superintendent prior to the date on which the determination of the efficiency becomes effective.

1.2.3.5 Suggested Criteria for the Assessment of Probationary and Temporary Teachers in their First Year of Service

The following criteria are suggested for consideration by principals when compiling assessment reports:

1. Teaching Skills

a) Thoughtful, adequate lesson preparation.

b) Capacity to cater for students’ individual differences.

c) Acceptable standards of documentation.

d) Continuing critical evaluation of student progress. Development of sound follow-up techniques.

e) The use of a variety of appropriate teaching methods.
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f) Ability to create and maintain students’ interest and stimulate response.
g) Capacity for effective classroom management techniques. Generation of student/teacher mutual respect.
h) Development of a pleasant learning environment.

2. Interpersonal Relationships

a) Co-operation and responsibility in implementing school and subject policies.
b) Ability to work harmoniously as a member of a team.
c) Ability to accept and implement advice.
d) Punctuality to school, to class and to duties.
e) Rapport with students, staff and others (including parents).
f) Co-operation and involvement in school activities.

3. Professional and Personal Qualities

a) Commitment, enthusiasm and general attitude.
b) Initiative, resourcefulness and self-reliance.
c) Creativeness and flexibility.
d) Self criticism and self-discipline.
e) Professional ethics.

The above criteria are guidelines to assist principals in the assessment of probationary teachers and teachers in their first year of service. They are a framework for the ongoing professional development of all teachers and must not be used as a checklist.

1.2.3.6 Suggestions on Assessment Procedures - Probationary and Temporary Teachers in their First Year of Service

1. The principal is responsible for the report but should involve the executive staff as appropriate. The principal must sign the report form.

2. Assessment should be directed towards professional development, rather than being a dispassionate statement of the situation at a particular point of time. Assessment will be viewed as a dynamic rather than a static concept.

3. The type of assessment criteria to be used in evaluating teachers’ work will be made known to teachers and supervising executive soon after they join the staff. Attempts should be made to encourage honest self appraisal without the possibility of such appraisal being used subsequently for the purposes of efficiency determination.

4. Assessment should be a cumulative and continuing process based on planned and known standards.

5. The situation should never arise in which a teacher in the first year of service receives no indication of her or his progress and effectiveness as a teacher until the official report is required.

6. Follow up in the subsequent year should be part of the on-going process of professional development.

7. The tenor of the report should reflect an objective and understanding approach by the principal.

8. Particular consideration should be given to certain categories of teachers in their first year of service, e.g. mobiles, resource and relief teachers, to ensure that they are involved in the total school experience.

9. A copy of the report will be given to the teacher before it is forwarded to district
Assessment of Teachers

1.2.4 Good Teaching Practice: Agreed Statement of Principles

As a result of negotiations between the NSW Department of Education and Training and the NSW Teachers Federation on procedures relating to teacher efficiency, the parties agreed that the objectives of any procedures should be the maintenance and improvement of good teaching practice, to improve the quality of education in New South Wales schools and thus to ensure public confidence in public education. The objectives agreed to by the Department and the Federation are in the following statement.

The agreement is in the form of a broad statement of principles and procedures.

The approach taken in the agreement recognises:

- the importance of educational leadership and co-operative work practices in the delivery of quality education;
- the variety of professional, personal and systemic influences on the quality of teaching practice;
- the need for teacher development programs to be available to, and participated in, by all school staff;
- the importance of the availability of appropriate resources, including development programs and advisory, supervisory and support practices, particularly to teachers experiencing difficulties; and
- the need for principals to report annually on their schools; this is to include an overview of educational services and programs, and teaching practices, but not assessments of individual teachers.

Agreed Statement of Principles

Both the Department and the Federation believe that this agreed statement of principles will help maintain the quality of education in New South Wales schools and provide the foundation for further improvements.

This is a statement of principles agreed to by the NSW Department of Education and Training and the NSW Teachers Federation.

Between the Department and the Federation there is an agreed commitment to:

- maintain and improve good teaching practice in New South Wales schools;
- ensure that quality education is assisted and enhanced at all levels of the teaching service;
- ensure public confidence in public education and in the school system which is open and accessible to all.

Schools and their Staff

The Department and the Federation agree that the effectiveness of a school is more than an aggregate of the efficiency of all teachers within the school and is dependent upon such key factors as:

- the culture of the school
The culture of the school arises from a number of factors including the development and maintenance of good working relationships, the pursuit of a common purpose, and the nature of the relationship between school and community.

- **educational leadership**

The most significant component of the principal’s role is educational leadership. Arising from that role the principal must ensure that resources are effectively organised to best achieve the aims and objectives of the school.

The principal is assisted in her or his role by all teachers and particularly by members of the executive staff.

Effective educational decision-making and leadership is fostered by processes of consultation at the school level and by whole school approaches to planning and functioning.

**Responsibilities**

Teacher development is an integral part of the total school program and it is the professional responsibility of each teacher to participate in that program.

All executive staff, including the principal, have a key responsibility in any teacher development program. This includes the identification of the needs of teachers, together with guidance and support to meet those needs. The Department is responsible for ensuring that its schools have available a range of services including those needed for teacher development programs.

**Annual School Reports**

The work of schools and principals will be monitored by the district office. Part of this process will be regular discussion by the district superintendent with the principal of the school who will submit an annual report on the school and its educational progress.

This will include an overview of the school’s educational programs and teaching practice including sections submitted by executive staff on areas for which they are responsible, for example, faculties. At least once per year there will be an extended discussion between the district superintendent and the principal and executive staff.

School reports as submitted by principals will not include assessments of individual teachers.
1.3 Employment and Classification of Teachers (UNDER REVIEW)

1.3.1 General

1.3.1.1 Applications for Employment and Re-Employment

In order to be approved as a teacher you need:

- appropriate academic and professional qualifications;
- by interview to be found personally suitable for teaching;
- criminal records check;
- national check of employment status.

Applicants who have qualifications gained overseas and are of non-English speaking backgrounds need to demonstrate appropriate English language skills.

Additional information is available at all district offices. (See Chapter 12 for addresses).

a) Persons wishing to enter the Education Teaching Service must complete an Application for Employment as a Teacher form which is available from district offices. Applications for employment should be submitted to the School Staffing Unit of the NSW Department of Education and Training.

b) Persons submitting an initial application for employment must provide documentary evidence of academic qualifications, teacher training and/or other employment, birth certificate or other proof of identity and where appropriate an application for accreditation for child rearing. If applicable, evidence of Australian citizenship or permanent residence or visa permitting employment must also be submitted.

c) Applicants for re-employment need only submit evidence of additional qualifications, child rearing, teaching and/or other employment undertaken since last employed by the Department.

d) All supporting documents must be originals or certified copies of originals. Where the original documents are in a language other than English, certified translations must also be supplied.

e) Where documents submitted as evidence of qualifications were awarded under a different name, the applicant must supply evidence of change of name e.g. marriage certificate, deed poll or statutory declaration.

f) Personal suitability interviews are conducted by interviewing officers determined by the Director of Staffing Services.

g) Applicants seeking re-employment are required to attend a personal suitability interview.

Note: Teachers currently employed on a casual basis who apply for permanent full-time or permanent part-time employment are required to attend a personal suitability interview.

h) Applicants for employment must indicate the type of employment sought e.g. permanent, permanent part-time or casual. See Section 1.3.2, Appointment of Teachers for details.
i) Successful applicants will be issued with an approval to teach.

j) The minimum qualifications currently required for classification are a three or four year full-time teacher education award or a three year full-time degree plus a one year full-time post graduate teacher education award which includes appropriate content and methodology.

k) Teachers registered or recognised by the public education system of another Australian state or territory should provide official evidence of registration or recognition to assist their application.

1.3.1.2 Status of Teachers on Employment or Re-employment - Incremental Credit

It should be noted that leave without pay may affect salary level. For teachers who commenced prior to 28 January 2005, breaks in service from full-time teaching may also affect salary level.

The following criteria will, in general, be used to determine the commencing salary level of teachers on first appointment or on re-employment.

a) Credit for Completed Years of Service as a Qualified Teacher

i) Full credit is granted for service in a full-time permanent, temporary or casual capacity at government schools, TAFE and recognised schools, including non-government schools, approved kindergartens and mission schools.

ii) Permanent part-time service with government schools of at least one day per week and permanent part-time and part-time temporary and casual service in recognised schools of at least one day per week, is credited on a proportionate basis.

iii) Permanent part-time service or part-time temporary or casual service with TAFE is credited on a proportionate basis.

iv) Credit on the basis of one increment for each 203 days of temporary or casual school teacher service (whether continuous or broken), completed with the Department since January 1984 will be granted.

Note: For permanent teachers employed or re-employed on or after 28 January 2005, periods of casual or temporary service with the Department (continuous or broken) of less than 203 days (including residual service of less than 203 days after credit has been granted for 203 days service) will count towards a teacher’s next increment following employment or re-employment.

v) Full credit will be granted for full-time service in a professional capacity with an affinity to teaching, e.g. lecturer, tutor or demonstrator at a recognised tertiary institution or service as an education officer with the defence forces.

vi) Part year service with the Department and other recognised schools cannot be amalgamated for the purpose of incremental credit.

vii) Applications for credit for qualified teaching experience in TAFE or recognised schools should accompany the application for employment.

Documentation in the form of a statement of service, to establish a teacher’s entitlement to incremental credit for qualified teaching must be on the employer’s letterhead and contain the following information:
• position at the school or institution;
• dates of commencement and termination of employment;
• details of any leave without pay taken. If none taken a statement to this effect must be provided;
• whether employment was on a full-time or part-time basis and must indicate the number of days per week of employment and whether employment was continuous.

Documentation of school teaching service with the NSW Department of Education and Training is not required.

b) Credit for Non-Teaching and Unqualified Teaching Service

i) Full credit, less one year, for full-time teaching service as an untrained graduate with this Department.

ii) Credit on the basis of one increment for each two years of teaching service is granted to untrained teachers employed in government schools, TAFE and non-government schools prior to teacher training.

iii) For teachers who commenced employment prior to 28 January 2005, credit for full-time service at age 21 or more, in any paid occupation in commerce, industry or government on the basis of one increment for each completed three years, is granted to a maximum of four increments. Individually completed years of service may be aggregated to give multiples of three years.

iv) Credit for service with the Australian Defence Forces during hostilities as follows:

• one year but less than three years - one increment
• three years but less than five years - two increments
• five years or more - three increments

Any periods of this service may be aggregated to give complete years.

v) Applications for credit for unqualified teaching and/or non teaching employment experience should accompany the application for employment. Documentation, in the form of a Statement of Service, to establish a teacher's entitlement to incremental credit must be on the employer's letterhead and contain the following information:

• occupation;
• dates of commencement and termination of employment;
• details of any leave without pay taken. If none taken a statement to this effect must be provided;
• whether employment was on a full-time or part-time basis and must indicate the number of days per week of employment and whether employment was continuous.

c) Credit for Child Rearing

i) Credit for full-time child rearing is granted on the basis of one increment for each completed three years of child rearing to a maximum of four increments. Individual years may be aggregated to give multiples of three years.
ii) Full-time child rearing commences in normal circumstances, from the date of birth of the child and continues until the child’s enrolment in full-time school or until the child attains six years of age, whichever is the earlier. Only one parent may claim the benefit.

iii) Any paid employment during normal working hours (other than as a casual or temporary teacher with the NSW Department of Education and Training and/or as a part-time teacher with the NSW TAFE) or any full-time study interrupts the child rearing period and will not attract credit.

iv) Supporting documentation for child rearing should accompany the application for employment.

A teacher cannot be granted credit for child rearing and for casual/temporary teaching for the same period but may be granted whichever is more beneficial in terms of incremental credit.

v) Application for accreditation for child rearing must be submitted on the Application for Accreditation for Child Rearing form and accompanied by photocopies of birth certificates of the child or children. A teacher may elect to provide an extract of the birth certificate indicating the details of parent and child only.

d) Access to 4YT Salary Scale for 2YT and 3YT Teachers

A teacher with two or three years training who has:

- substantively occupied a school based promotion position in a NSW government school; and
- relinquished the promotion position for reasons other than disciplinary action or unsatisfactory performance, and is currently employed at classroom teacher level shall be placed on the common incremental salary scale at a point equal to a 4YT teacher with the same length of service.

e) Applications for Incremental Credit


Any queries regarding salary and status reviews can be directed to the Salary and Status Review Team by telephone toll free on 1300 300 498 or fax on (02) 9836 9767.

If approved teachers wish to claim incremental credit they should send their application to Staffing Services, Locked Bag 3003, Blacktown NSW 2148 or by fax to (02) 9836 9767.

1.3.2 Appointment of Teachers

The Teaching Services Act 1980, makes provision for the appointment of teachers on a permanent, temporary, casual or part-time basis.

1.3.2.1 Permanent Appointment

a) A teacher appointed to the permanent staff, on first appointment or following re-employment, is appointed permanent on probation.
1.3.2.1.1 Probationary Period for Permanent Appointment

a) The probationary period is for a minimum of one year.

b) An experienced teacher, whether re-employed, transferring from the temporary to the permanent staff, or recruited from another authority, must serve a minimum probationary period of one year.

c) Confirmation of a teacher’s permanent appointment will depend upon the satisfactory complete of a performance assessment. See Section 1.2, Assessment of Teachers for details.

d) If the efficiency of a probationary teacher is determined as unsatisfactory as a result of assessment, the period of probation may be extended or the appointment of the teacher annulled. If probation is extended, action to confirm permanent appointment is deferred until efficiency is determined as satisfactory.

e) The probationary period may also be extended in cases where attendance has been unsatisfactory. Prior to an extension under these circumstances, teachers will be given an opportunity to explain their unsatisfactory or irregular attendance.

f) Should a teacher take non incremental leave or maternity leave while on probation, the probationary period will be extended by a period equivalent to the period of probation not completed.

1.3.2.1.2 Medical Examination/Health Assessment

a) Teachers may be required to satisfy a medical examination or health assessment to be eligible for confirmation of permanent appointment.

b) Where a teacher fails the medical examination/health assessment for appointment to the permanent staff, the teacher may appeal against the decision.

c) Teachers located in country centres required to travel to another centre for medical examination in connection with permanent appointment may be:

i) granted special leave to cover the time they are necessarily absent from duty;

ii) issued with a first class rail warrant, or if so desired, they may use their private motor vehicle, (subject to prior approval by the Director of Staffing Services or nominee) and be paid a vehicle allowance in accordance with the specified journey rate, subject to the allowance not exceeding the cost of first class rail travel;

iii) reimbursed meal and accommodation expenses incurred while absent from their headquarters, provided that the amount reimbursed does not exceed the allowances prescribed under Determinations 7, 23 or 28 of the Teaching Services Act 1980. Claims for hotel or motel accommodation must be supported by receipts.
1.3.2.1.3 Proof of Name and Age

a) Proof of name and age must be submitted by providing a birth certificate or extract of birth certificate. If the teacher's name is not that on the birth certificate, then evidence of change of name must be supplied e.g. marriage certificate, statutory declaration or deed poll.

b) In general, only birth certificates are acceptable as proof of name and age for purposes of permanent appointment. Alternative proof of name and age may be accepted, subject to the Department being satisfied that it is the best possible evidence obtainable in the individual circumstances, and to a statutory declaration being provided as to the claimed date of birth and reasons for unavailability of a birth certificate.

c) The following documents may be regarded as acceptable alternative proof of name and age:
   i) certificate of baptism or other evidence of similar religious ceremony;
   ii) certificate of entry in religious records, e.g. family or parish register;
   iii) certificate of Australian citizenship (naturalisation certificate) - individual or parental; or
   iv) passport.

d) In circumstances where no other proof of name and age is available, a statutory declaration alone may be accepted.

1.3.2.1.4 Transfer of Teachers from Temporary to Permanent Status

Those teachers who either elected to be temporary or were classified as temporary on entry to the teaching service may request to transfer from temporary status to permanent status.

a) A teacher seeking transfer from temporary to permanent status should forward a written request through the principal to the School Staffing Unit.

b) Verification of date of birth must be provided and if not previously sighted, evidence of change of name must be submitted. Copies of these documents, certified by the principal are acceptable.

c) Irrespective of length of service, teachers who transfer from temporary to permanent status must serve a minimum probationary period of one year.

d) Prior to the confirmation of permanent appointment, principals must confirm the teacher's efficiency.

e) The requirements in respect of medical examinations outlined in Section 1.3.2.1.2 also apply in respect of teachers transferring from the temporary to the permanent staff.

f) Permanency is confirmed as from the date the probationary period
1 GENERAL CONDITIONS OF EMPLOYMENT

1.3.2.1.5 Notification of Permanent Appointment

a) Written notification of permanent appointment on probation is sent to teachers by the School Staffing Unit and notification of appointment is published in the Education Gazette.

b) Following confirmation of appointment to permanent status, appointments are published in the Education Gazette.

1.3.2.1.6 Medical Appeals

a) A Medical Appeals Panel has been established to consider appeals against certain medical assessments. The panel considers appeals on the basis of available clinical evidence and if necessary arranges further clinical investigation.

b) Appeals are limited to assessments made in respect of examinations conducted in the following circumstances:

i) where a satisfactory result at a medical examination is a pre-condition for permanent employment or for the award of a traineeship;

ii) where the fitness of an employee for continued employment is in question.

c) Appeals must be lodged with the Secretary, Medical Appeals Panel, Department of Health, 73 Miller Street, North Sydney, 2060, within 30 days of the date the teacher is notified of the medical assessment.

1.3.2.2 Temporary Appointment

a) At the time of completing an application for employment in the Education Teaching Service teachers may apply for temporary appointment and be employed in accordance with the provisions of Section 50 of the Teaching Services Act 1980.

b) The salary and leave conditions for teachers appointed to the temporary staff are the same as for permanent teachers.

c) Unless there are special circumstances a medical examination is not required for appointment to the temporary staff.

d) Temporary teachers may apply for advertised promotions positions and if appointed to a promotions position must apply for transfer to the permanent staff.

1.3.2.3 Permanent Part-time Appointment

a) Permanent and temporary teachers, and teachers approved for permanent, temporary or casual employment may apply for appointment as a permanent part-time teacher. See Chapter 7, Permanent Part-time Employment for details.

1.3.2.4 Casual Appointment

Details regarding the appointment of casual teachers and the conditions of employment for casual teachers are set out in Chapter 9.

1.3.3 Award of a Teacher’s Certificate

1.3.3.1 Requirements for the Award of a Teacher’s Certificate
A Teacher’s Certificate shall be awarded to a person who satisfies requirements in respect of:

i) educational attainments;

ii) quality of teaching service and teaching skill; and

iii) probationary service.

1.3.3.2 Educational Attainments

a) For teachers who commenced their training in 1973 or later, the standard of educational attainments for a Teacher’s Certificate shall be not less than that obtainable after the satisfactory completion of a course of teacher education of not less than three years at a tertiary institution approved by the Director-General, following satisfactory completion of the Higher School Certificate Examination or the obtaining of other qualifications considered by the Director-General to be equivalent.

b) For teachers who completed their training prior to 1973, the standard of educational attainments for a Teacher’s Certificate shall be not less than that obtainable after the satisfactory completion of a course of teacher education of not less than two years at a tertiary institution approved by the Director-General, following satisfactory completion of the Higher School Certificate Examination or the obtaining of other qualifications considered by the Director-General to be equivalent.

1.3.3.3 Quality of Teaching Service and Teaching Skill

The quality of teaching service and teaching skill shall be determined by the assistant director-general and shall in general be gauged upon reports of assessment. See Section 1.2, Assessment of Teachers for details.

1.3.3.4 Service Requirement

a) Permanent and temporary teachers need to complete the equivalent of one school year, i.e. four schools terms, for the award of a Teacher’s Certificate.

b) Permanent part-time teachers must complete the equivalent of one year full-time service.

c) Casual teachers who are appointed to the permanent or temporary staff may count casual service completed during the eighteen month period immediately prior to appointment to the permanent or temporary staff towards the service requirements for the award of a Teacher’s Certificate.

d) Maternity leave and non incremental leave does not count as probationary service for the award of a Teacher’s Certificate.

1.3.3.5 Conditionally Certificated or Specialist Teachers

a) A "conditionally certificated teacher" means a teacher classified as such and whose certification by the Director-General is conditional upon completion of educational requirements prescribed by the Director-General.

b) At the time of approval for employment, teachers classified as holding conditional certificate, specialist conditional certificate or specialist certificate educational attainments are advised of the requirements to be met for the award of a Teacher’s Certificate. Teachers who do not receive this information should apply to the district superintendent for advice as to the requirements that must be met.
in order to be awarded a Teacher’s Certificate.

c) Conditionally certificated teachers can use length of service to attain certificated status instead of completing the academic requirements prescribed by the Director-General. Credit for service may be granted as follows:

i) eight years service - exemption from one examination subject;

ii) nine years service - exemption from two examination subjects;

iii) eleven years service - exemption from three examination subjects;

iv) twelve years service - exemption from all examination subjects.

d) Specialist conditionally certificated teachers may also use length of service on the above basis to achieve specialist certificated status.

e) Service will be recognised as follows:

i) service at conditionally certificated level;

ii) completed years of full-time service with the NSW Department of Education and Training and other education authorities and recognised non-government schools;

iii) service credited for casual teaching or permanent part-time teaching.

f) Conditionally certificated teachers who become eligible for the award of a Teacher’s Certificate by completing academic requirements, service requirements or a combination of service and academic requirements should apply to the School Staffing Unit for an adjustment to certificated status. If eligible, the teacher’s salary will be adjusted to certificated rates and a Teacher’s Certificate will be awarded from the first day of the month after completion of the academic or service requirements.

1.3.3.6 Issue of a Teacher’s Certificate

a) The Teacher’s Certificate is awarded as from the date of the day following the completion of the appropriate probation period.

b) Certificates are forwarded to eligible teachers as soon as practicable after completion of the period of probation.

c) Certificates are only awarded and issued once. If a Teacher’s Certificate is lost or destroyed, teachers may apply to the School Staffing Unit for a “statement of eligibility for the award of a Teacher’s Certificate”.

d) Certificates are issued only to teachers holding certificate attainments and a document is not issued to specialist or conditionally certificated teachers.

1.3.3.7 Casual Teachers - Award of a Teacher’s Certificate

Subject to meeting certain requirements casual teachers may qualify for the award of a Teacher’s Certificate. See Casual Teachers, Chapter 9 for details.
1.4 Exchange of Teachers

1.4.1 General

Exchanges are arranged between New South Wales and a variety of interstate and overseas locations. Exchanges through the Teacher Exchange Program are reciprocal, simultaneous exchanges of duties.

1.4.2 Teacher Exchange

a) Each year, applications are invited from eligible Department teachers to participate in interstate or overseas exchanges. Meanwhile, interstate and overseas education authorities nominate teachers who wish to serve in New South Wales schools. Qualifying New South Wales and overseas (or interstate) teachers are then selected for exchange on the basis that they hold similar qualifications and can exchange duties with each other.

b) Applications are invited by notice published each year in the Department’s Inform magazine. The notices normally appear in August/September. Further information may be obtained by contacting the Senior Project Officer, Exchange Programs from the Professional Support and Curriculum Directorate.

1.4.3 Conditions

1.4.3.1 Eligibility

a) To be eligible for participation in the Exchange Program, teachers:

i) must be full time permanent, and have not less than five years cumulative teaching service with the NSW Department of Education and Training prior to taking up the exchange;

ii) must have a New South Wales Teaching Certificate;

iii) must be at least three year trained if applying for interstate exchange.

b) Previous exchange teachers may re-apply for exchange after completing three years service, following the previous exchange.

c) Priority will be given to first time exchange teachers who have not been trained in, or who have not taught in, overseas countries.

d) Teachers are ineligible if they:

i) will be on a protracted period of leave during the exchange;

ii) are temporary non school based teaching service staff without right of return to a specific school (due to difficulty in matching expertise and special requirements);

iii) are permanent non school based teaching service staff (an Executive Development Program is available through the Department’s Professional Support and Curriculum Directorate).

1.4.3.2 Teaching Assignment

a) Exchanges are usually for an agreed period of twelve months. Extensions will not be approved. A decision taken by a teacher to return to Australia earlier or otherwise withdraw at an early date from the Exchange Program will cause inconvenience and expense to the Department and the Host Education Authority. Unless an agreement can be reached that is satisfactory to all parties concerned,
the teacher who returns or withdraws will be deemed to be on leave without pay for the balance of the Program. A teacher may, however, utilise any accrued long service leave. If the teacher has a legitimate claim for paid sick leave, such leave may also be granted. A withdrawal from the program prior to the commencement where no rematch can be located will necessitate reimbursement of the exchange counterpart’s travel preparation costs.

b) Exchange teachers to France and Germany are expected to teach English.

c) During the exchange, teachers will work under the direction of the host education authority to which they have been exchanged.

d) Teachers cannot enter the permanent service of the education authority to which they have been exchanged.

e) Applicants in school executive positions may nominate to exchange to a non-executive position and be paid, in lieu of the executive salary, the amount equivalent to the maximum salary for a classroom teacher (Step 13). Applicants in executive positions who exchange to a lower executive position will be paid the reduced executive salary rate. Workers’ compensation payments would be assessed on the maximum salary for a classroom teacher (Step 13) for the exchange year. Superannuation contributions and benefit payments may continue to be assessed at the executive salary rate.

Exchanged principal positions specifically require the approval of the relevant district superintendent.

g) Exchange teachers are frequently called on to give lectures on life in Australia and to address interested adult groups on our system of education. Preference is given to those who have participated fully in the cultural and civic life of their own communities, and have contributed to their own schools.

1.4.3.3 Salary

a) Exchange does not involve any disability in respect of salary increments or service recognition. Teachers will continue to be paid their normal salary by the Department, provided the exchange position is equivalent to the position currently held. Allowances that do not constitute an inherent part of salary are not paid (e.g. year supervisor).

b) Exchange teachers are required to make their own arrangements for transmission of salary overseas or interstate.

1.4.3.4 Travel and Accommodation

a) Exchange teachers are required to make their own travel arrangements and are responsible for meeting their own fares, accommodation costs, and other expenses.

b) It is a pre-condition to acceptance in the Teacher Exchange Program that teachers will have arranged:

i) to exchange accommodation or otherwise provide suitable accommodation for their exchange partner for the duration of the exchange, or if returning home before the completion of the exchange, then to provide suitable accommodation for the remainder of the exchange;

ii) such alternative to (i) as the exchange partners may desire;
iii) the terms of i) or ii) being negotiated directly between the exchange partners and wholly their responsibility.

c) Exchange of cars is not a requirement of exchange, and should be approached with caution.

d) The Department is not responsible for any arrangements that exchanges may enter into concerning accommodation, travel plans or motor vehicles and other personal matters and will not be involved in any negotiations arising out of such arrangements or agreements.

1.4.3.5 Medical

Teachers accepted for exchange will need to supply a medical certificate indicating satisfactory health.

1.4.3.6 Joint Applications

Where spouses or partners are both teachers and apply for exchange, each must state that the other is applying and indicate whether the applications are to be considered jointly or individually. Although every effort will be made to facilitate leave in the event of one partner being selected for exchange, the other must not assume that leave of absence will be granted. Teachers on leave without pay, ie, spouses or partners of exchange teachers, have right of return to their current positions immediately following the exchange period.

1.4.3.7 On Return

a) Under normal circumstances, teachers have right to return to their current position at the end of the exchange, but will not be entitled to return to their current position during the period of exchange unless the exchange partner agrees and/or the Department permits.

b) Teachers accepted for exchange must agree to serve the Department for two years on completion of the exchange.

c) During the exchange, teachers are required to prepare a report and on their return will be provided with opportunities to present their observations at a local level and in teacher development activities. These opportunities will be identified as part of a debriefing process.

1.4.3.8 Orientation

Prior to departure, exchange teachers will participate in an orientation process that provides information that will assist with exchange preparations.

1.4.3.9 Promotion/Transfer

Teachers accepted for exchange are ineligible to apply for any promotion or transfer position in the service which must be taken up during the exchange year. Where interviews are a requirement for promotion, teachers on exchange must accept that being overseas may prevent them from participating in such a selection process.

1.4.3.10 Leave

a) Long service leave applications will be considered within existing rules, regulations and procedures. Teachers must understand that long service leave:

i) prior to the exchange will be considered in light of the principal's recommendation, which will be made on the basis of the teacher's obligations with respect to the school, the preparation requirements for
the incoming exchange teacher and the teacher's reasons for seeking the leave;

ii) during the exchange will only be considered in exceptional and unforeseen circumstances and only if satisfactory arrangements can be made with the host exchange authority;

iii) following the exchange will be considered on the basis that all teachers returning are under an obligation to participate in undertake a term one debriefing process and deliver their research reports.

b) Teachers who are aware, prior to commencing their exchange, that extended periods of leave may be required during the exchange year should notify the Teacher Exchange Coordinator immediately.

c) Leave conditions while on exchange will be subject to agreements with relevant overseas and interstate educational authorities.

1.4.3.11 Immigration

Teachers accepted for exchange (and family members accompanying them) will need to satisfy any relevant immigration requirements involved in exchange, e.g. Canadian immigration requires that all exchange teachers and teaching spouses pass a medical examination, some locations do not allow de facto partners entry as an exchange dependent.
1.5 Higher Duties Allowances

1.5.1 General

A teacher who has satisfactorily performed the whole of the duties and assumed the whole of the responsibilities of a higher position shall be paid for this period, an allowance equal to the difference between his or her salary and the minimum salary prescribed for the higher position subject to the conditions of the qualifying period having been met (see 1.5.3.4).

There are different provisions for staff acting on a full-time basis (see 1.5.2) as opposed those acting on a part-time basis (see 1.5.3).

1.5.2 Teaching Service Staff Acting Full-time in Executive and Other Higher Positions

1.5.2.1 Definition - Acting in a Higher Position

This applies where a teacher acts in a higher position during the temporary absence of the current occupant or where it has not been possible to appoint an officer to the promotions position.

1.5.2.2 Minimum Period

No allowance will be paid for periods of acting in a higher position of less than five consecutive working days.

1.5.2.3 Qualifying Period

a) A teacher is required to act in a higher position for a minimum of four weeks in any school year before being eligible to receive the allowance to the full rate of the difference between the teachers substantive salary and the minimum salary applying to the higher position.

b) During the qualifying period a teacher is eligible to receive an allowance for acting in a higher position.

This is limited to the rate of the difference between the teacher’s substantive salary and the salary of the higher position provided the difference does not exceed $11,530 pa (effective from 1 January 2003).

c) Periods of five consecutive working days or more may be aggregated towards satisfying the initial four weeks qualifying period.

d) A teacher who has acted in a higher position for at least four weeks and who, without a break in service, continues to do so in the following year, will not be required to serve a further qualifying period.

e) While a qualifying period shall be required for each progressive step in higher office in the one school, there will be no reduction in the allowance already received.

f) In the case of regular relieving teachers, (e.g. district relief teachers acting in a higher position), no allowance shall be paid unless the teacher has been required to act in the same higher position for a continuous or broken period in excess of thirteen weeks within a school year. The allowance will only be paid for that part of the period that exceeds thirteen weeks.
1.5.2.4 Application for a Higher Duties Allowance

a) Claims for an allowance should be submitted to Teacher Services as soon as possible after the commencement of the period of relief. Claims must include an anticipated end date.

b) All claims must be submitted no later than two months after the commencement of the period of relief or four months in the case of regular relieving teachers.

c) Claims may be disallowed if there is evidence of undue delay by the applicant making the claim.

d) Any variation to the application must be immediately notified, in writing, to Teacher Services.

e) The assessment as to whether a teacher carried out the whole of the duties and assumed the whole of the responsibilities of the higher position may need to be deferred until the total period of duty has been completed.

f) Where the period of higher duty continues into a new school year, a new claim for the allowance must be submitted.

1.5.2.5 Payment During Leave

a) No allowance shall be paid in respect of any period of absence taken by an acting officer which exceeds five consecutive working days.

b) Where the period of continuous duty is for a period of not less than two years, the allowance will continue to be paid during periods of sick, short or special leave exceeding five consecutive days.

In the case of long service leave the payment of the allowance is limited to an aggregate period of 21 days in any period of twelve months.

c) Vacation Leave

Teachers are not eligible for payment of the allowance during a vacation period except in the following circumstances:

i) the whole of the midsummer (Christmas) vacation where the teacher has acted in the higher position for the whole of the school year preceding the vacation.

ii) that portion of the midsummer vacation terminating on the 31 December in any year, where the teacher has acted continuously in the higher position from the beginning of the fourth term until the commencement of the midsummer vacation; and

iii) the whole of the Spring, Autumn and Winter vacations in any year where the teacher has acted continuously for more than four weeks prior to the particular vacation and resumes duty in the higher position on the first school day after that vacation.

1.5.2.6 Service for Incremental Progression

a) Where a teacher is appointed to the position in which the officer has acted or to an equivalent position, the date for incremental progression will be the anniversary of the acting appointment provided the teacher has acted continuously in the higher position immediately prior to the appointment.
b) i) Incremental credit is limited to twelve months on a full-time basis; and

ii) will be paid by way of allowance.

1.5.2.7 Guidelines for Selection of Staff to Relieve in Higher Positions

1. In making a selection, the supervisor will consider:

a) the need to maintain service delivery at the highest standard;

b) the skills and aptitude of the person and the degree to which particular skills are required for the task (e.g. the relieving executive teacher within a student support unit may require specialist knowledge, a relieving deputy principal in a secondary school may need to have appropriate management experience etc). Some rearrangement of duties of the position could occur where this best meets the schools needs;

c) the opportunity this absence provides for the professional development or multi skilling of staff members, having in mind the overall efficiency of the school;

d) expressions of interest from staff who would like the opportunity to enhance or develop particular skills;

e) the exercise of equal employment opportunity principles which require that particular attention be given to encouraging and developing individuals who are under-represented at executive levels (women, teachers from non-English speaking backgrounds, Aboriginal or Torres Strait Island teachers, teachers with disabilities).

2. Authority to approve higher duties arrangements for all school executive positions, other than principal, rests with the principal.

3. The authority to approve higher duties arrangements in the case of principals’ positions rests with the appropriate district superintendent. In this instance, if possible, the principal will provide a recommendation for the district superintendent’s consideration.

4. Once the member of staff who will undertake the higher duties has been selected and approved by the principal, it is the supervisor's responsibility, before the period of duty begins, to discuss with that person:

- the statement of duties of the position;
- the objectives and responsibilities of the position;
- those activities or specific tasks or projects which the person is expected to undertake;
- the targets the person is expected to achieve;
- in relation to any function delegated to the position, which of the delegations can be exercised; and
- the amount of relieving allowance to be paid.

5. It is important that supervising officers have clearly defined reasons to justify their particular selection. The general parameters affecting the decision should be made known to those officers who may have an interest in the position.

6. Subject to the principal’s or district superintendent’s approval a supervisor may select one or more teachers to, in turn, act in a particular position or select different people to act in the same position on different occasions. In some instances it may be appropriate to offer the higher duties opportunity to appropriately qualified staff outside the school.
1.5.3  Teaching Service Staff Acting Part-time in Executive and Other Higher Positions

1.5.3.1 Acting in a Higher Position on a Part-time Basis

Acting in a higher position occurs:

- when a teacher is instructed to act in an executive or other higher position on a part-time basis and with the authority of the Director-General during the temporary absence (a minimum period of five working days in consecutive working weeks) of the current occupant; or

- where it has not been possible to appoint a teacher to the executive or other higher position; or

- where a teacher participating in an approved rehabilitation program resumes duty on a part-time basis in an executive or other higher position.

For the purposes of this section, a temporary absence means an absence occurring as a result of a teacher being granted a form of part-time leave.

1.5.3.2 Higher Duties Allowance

A teacher who has, on a part-time basis, satisfactorily performed the whole of the duties and assumed the whole of the responsibilities of an executive or other higher position shall be paid for this period on a pro rata basis, an allowance equal to the difference between his or her salary and the minimum salary for the executive or other higher position subject to the conditions of the qualifying period in Section 1.5.3.4 having been met.

In the case of a teacher who has, on a part-time basis, satisfactorily performed the whole of the duties and assumed the whole of the responsibilities of a chief education officer's position, the teacher shall be paid for this period on a pro rata basis, an allowance equal to the difference between his or her salary and the level one chief education officer salary, unless otherwise determined by the Director-General, subject to the conditions of the qualifying period in Section 1.5.3.4 having been met.

1.5.3.3 Minimum Period for Payment of an Allowance

No allowance will be paid for acting in an executive or other higher position on a part-time basis for periods of less than five working days in consecutive working weeks.

1.5.3.4 Qualifying Period for Payment of the Allowance at the Full Rate

a) A teacher is required to act on a part-time basis in an executive or other higher position for a minimum of twenty working days, which includes the five day period stated above in Section 1.5.3.3, before being eligible to receive the allowance to the full rate, being the difference between the teacher's substantive salary and the minimum salary applying to the executive or other higher position. For teachers the qualifying period must be served in a school year while for teachers in non school based teaching service positions the qualifying period must be served in any period of twelve months. A school vacation does not constitute a break in service for the purposes of determining the qualifying period.

b) During the qualifying period a teacher will receive an allowance which is limited to the rate of the difference between the teacher's substantive salary, and the salary of the executive or other higher position, provided the difference does not exceed the part-time equivalent of $11,530. This rate is subject to review from time to time by the Director-General.
c) The initial twenty working day qualifying period may be made up of periods of five working days or more in consecutive working weeks.

d) A further qualifying period will not be required where a teacher:

i) acts in an executive or other higher position on a part-time basis for at least twenty working days and continues to do so in the following year without a break in service;

ii) proceeds from acting on a part-time basis in one executive or other higher position to another position at the same level without a break in service.

e) Should a teacher while acting on a part-time basis in an executive or other higher position then be required to act, without a break in service, in a position that is of a higher level or grade than the first acting position in the one location:

i) A further twenty working days qualifying period will be required in the higher graded or higher level position prior to payment of a higher duties allowance at the full rate;

ii) In the qualifying period identified in i) above, the higher duties allowance will continue at the rate applicable to the first (lower) graded position acted in by the teacher.

f) Regular relieving teachers, (e.g. district relief teachers), must act on a part-time basis in the same executive position for a minimum period of 65 working days in consecutive working weeks within a school year before being eligible for a higher duties allowance.

1.5.3.5 Application for a Higher Duties Allowance

Claims for an allowance should be submitted to Teacher Services as soon as possible after the commencement of the period of acting on a part-time basis in an executive or other higher position.

Claims must include an anticipated end date and actual days to be worked in the relieving position must be noted on the application.

All claims must be submitted no later than two months after the teacher commences to act on a part-time basis in the executive or other higher position or four months in the case of regular relieving teachers.

Claims may be disallowed if there is evidence of undue delay by the applicant making the claim.

Any variation to the application must be notified immediately in writing to Teacher Services.

The assessment as to whether a teacher carried out the whole of the duties and assumed the whole of the responsibilities of the executive or other higher position may need to be deferred until the total period of duty has been completed.

Where the period of higher duty continues into a new year, a new claim for the allowance must be submitted.

1.5.3.6 Payment During Leave

a) Payment of a higher duties allowance to teachers who act in an executive or other higher position on a part-time basis will be made for periods of leave up to and including five consecutive working days:
i) in the case of teachers where the period of acting on a part-time basis is at least one school year; and

ii) in the case of teachers in non school based teaching service positions where the period of acting on a part-time basis is at least twelve months.

b) Where the period of acting on a part-time basis in an executive or other higher position equals or exceeds one school year in the case of teachers or twelve months in the case of teachers in non school based teaching service positions, the allowance may be paid for vacation(s) or recreation leave taken on retirement but will not, unless specifically approved by the Director-General be paid for long service leave or as a gratuity in lieu of long service leave on retirement.

c) Where the period of acting on a part-time basis is continuous for a period of not less than two years, the allowance will continue to be paid during periods of sick, short or special leave and may be paid for recreation leave taken prior to retirement.

In the case of long service leave the payment of the allowance is limited to a single period of or a combined total of no more than 21 days in any period of twelve months. For any long service leave taken in excess of 21 days in any period of twelve months, payment of the higher duties allowance will not be made.

d) Teachers who are entitled to payment on a part-time basis during a school vacation are only eligible for payment of a higher duties allowance during a vacation period in the following circumstances:

   i) the whole of the midsummer (Christmas) vacation where the teacher has acted on a part-time basis in the executive position for the whole of school year preceding the vacation;

   ii) the period commencing from the first day of the midsummer vacation up to and including 31 December in any year, where the teacher has acted continuously on a part-time basis in the executive position from the beginning of the fourth term until the commencement of the midsummer vacation; and

   iii) the whole of the Spring, Autumn and Winter vacations in any year where the teacher has acted continuously on a part-time basis for the whole of the preceding term; or if the teacher has acted continuously on a part-time basis for more than twenty working days prior to the particular vacation and resumes duty in the higher position on the first school day after that vacation.

1.5.3.7 Service for Incremental Progression

a) Where a teacher is appointed to the position in which the teacher has acted on a part-time basis or to an equivalent position, the date for incremental progression will be the anniversary of the acting appointment provided the teacher has acted continuously on a part-time basis in the executive or other higher position immediately prior to the appointment.

b) Incremental credit will be paid by way of allowance and is limited to twelve months on a full-time equivalent basis.
c) In the case of teachers in non school based teaching service positions:

i) Who act continuously on a part-time basis in a position for a period of twelve months and who carry out the full functions of the higher position the officer may, where applicable, progress by way of allowance to the second year rate for the position. Absences on recreation leave, up to a maximum of four weeks during the period, will not be regarded as a break in service requiring deferment of incremental progression of the allowance.

ii) Absences on leave during which the allowance was not continued are to be regarded as a break in service requiring deferment of payment of the second year rate for the position. If the absence was less than six months, the service may be aggregated for progression purposes.

iii) Where there are broken periods of acting on a part-time basis in the higher position or positions, such periods may be aggregated, irrespective of the nature of the work of the position or positions and regarded as continuous service for the purpose of progression within the grade of the position or positions concerned, provided that:

- each aggregation shall not extend over any break of six months or more between periods of acting in a higher position;
- no more than the next higher incremental step is involved;
- an officer acting on a part-time basis in the position must meet all conditions providing for the payment of a full allowance under this section.

iv) If the period of service during which the officer acts on a part-time basis is in a position more than one grade above that held by the officer concerned, incremental progression by way of allowance must be specifically approved by the Director-General.
1.6 Non School Based Teaching Service, Secondment and Temporary Release to Other Authorities

1.6.1 Conditions of Employment for Teachers Appointed to Non School Based Teaching Service Positions

(TO BE INCLUDED)

1.6.2 Arrangements for the Secondment of Teachers to the Office of the Board of Studies

1.6.2.1 Introduction

Conditions of employment for Departmental teachers released by the Department to accept a secondment to the Office of the Board of Studies will be those applying to the relevant jobs or classifications and as provided for in the those industrial instrument(s) and policies relating to those particular jobs or classifications in the Office of the Board of Studies.

1.6.2.2 Where Arrangements are made for the Secondment of Teaching Service Staff to the Service of the Office of the Board of Studies

Teachers are required to submit a leave without pay application for the period of secondment.

Teachers will be granted leave without pay by the Department for the period of secondment. This leave will not be deducted from a teacher's career entitlement of three years leave without pay for personal reasons.

Arrangements for secondments will be determined by the Department in consultation with the Office of the Board of Studies.

Other than in exceptional circumstances approved by the Department, a teacher may be released for secondment to a position other than that of a Board Inspector to the Office of the Board of Studies for one or more periods up to a maximum of three years.

The Department will release teachers for periods of up to five years to take up temporary positions of Board Inspectors. At the conclusion of the temporary appointment, if the Board Inspector position is advertised and the teacher is successful in regaining the position through merit selection, the Department will approve additional periods of release.

The Department will not be responsible for expenses incurred as a result of teachers accepting secondment to the Office of the Board of Studies.

Teachers seconded to the Office of the Board of Studies are eligible to apply for positions appearing in Job File during the period of secondment in accordance with the provisions which apply to all applicants.

1.6.2.3 Portability of Entitlements

Seconded teachers who had an entitlement to cumulative sick leave prior to secondment may access that entitlement during the period of secondment. Subject to approval by the Office of the Board of Studies, seconded teachers can also access during the period of secondment, long service leave or recreation leave accrued prior to secondment.
In the teacher’s initial year of secondment, the teacher's prior service in the Department will be recognised by the Office of the Board of Studies for the purposes of determining annual leave loading. Teachers will be eligible for payment of the full leave loading at the teacher's seconded salary rate at the Office of the Board of Studies.

There is no portability of school vacation entitlements during secondment. However, an initial credit of recreation may be granted in the first year of secondment. This will only occur in situations where the period of secondment results in the teacher incurring some loss of school vacation entitlement on initial employment by the Office of the Board of Studies.

See Section 1.6.1.10 j, Recreation Leave (Table: Initial Credit of Leave in Lieu of School Vacation) for recreation leave which may be credited depending on the date of secondment.

Teachers who resign, retire, or who are medically retired during the period of secondment will be entitled to receive payment of any accrued long service and recreation leave entitlements at the seconded salary rate. This would also apply in the event of the death of a teacher during the period of secondment.

A seconded teacher's prior service in the Department will be recognised for the purposes of satisfying the 40 week service requirement for paid maternity or adoption leave.

1.6.2.4 Superannuation

Teachers who demonstrate they are existing contributors to either the State Superannuation Fund, the State Authorities Superannuation Scheme or the First State Superannuation Scheme are entitled to retain their membership of those schemes as provided for in the Superannuation Act 1916, the State Authorities Superannuation Act 1987 or the First State Super Act 1992. Superannuation provisions will be no less beneficial than those the teachers would have received had they remained in their original positions with the Department.

In the event of a teacher’s retirement, medical retirement or death during the period of secondment, the teacher's exit salary rate for superannuation purposes will be deemed to be the salary rate applicable to the seconded position at the Office of the Board of Studies at the time of retirement or death.

1.6.2.5 Workers’ Compensation

Teachers on secondment to the Office of the Board of Studies should submit any workers’ compensation claims to the Office of the Board of Studies.

1.6.2.6 Teachers Returning to the NSW Department of Education and Training Following Expiration of Secondment or on Request of a Seconded Teacher

a) Annual Leave Loading

In the initial year of the teacher’s return to the Department, the seconded teacher’s period of secondment at the Office of the Board of Studies will be recognised for the purposes of determining annual leave loading. Subject to the leave loading not being paid by the Office of the Board of Studies, the teacher would be entitled to payment of the full leave loading at his or her substantive salary rate.
b) Appointments to Late Start Schools

Where a teacher is to be appointed to a late start school at the start of a school year following the expiration of a secondment to the Office of the Board of Studies, the secondment will be deemed to expire on the last day of the Western Division midsummer vacation.

c) Continuity of Service

On return to the Department the period of secondment will be recognised for determining leave entitlements and for incremental progression except in the following circumstances:

i) leave without pay of five days duration or longer whilst on secondment will not count for the purposes of determining incremental progression; and

ii) unpaid leave of six months duration or longer taken whilst on secondment will not count for determining leave entitlements, incremental progression or vacation entitlements; and

iii) unless the teacher otherwise elects to pay the employee and employer superannuation contribution, any period of leave without pay in excess of six months taken during the period of secondment, will not count for superannuation purposes. This applies to members of the State Superannuation Fund. Members of the State Authorities Superannuation Scheme or First State Superannuation should contact the relevant section of Teacher and Administrative Staff Services for further details.

d) Leave Following Expiration of Secondment

Teachers may be granted leave following the expiration of a secondment to the Office of the Board of Studies. In these circumstances teachers seeking leave without pay and/or long service leave must submit a leave application to Teacher and Administrative Staff Services or their previous directorate at least three months prior to the teacher's return date to the Department.

e) Maternity and Adoption Leave

Where the balance of any period of paid maternity or adoption leave extends beyond the secondment period, the Office of the Board of Studies will be responsible for the difference in salary between the seconded teacher's substantive salary in the Department and the rate of pay whilst at the Office of the Board of Studies for the period of the leave. This does not apply if the maternity or adoption leave coincides with any other form of paid leave.

Seconded teachers are entitled to have all continuous service as at the date of secondment to the Office of the Board of Studies taken into account for the purposes of determining their entitlement to maternity, paternity or adoption leave.

f) Recreation Leave

Teachers must expend all recreation leave prior to their return to the Department if they are appointed to a school.

Teachers should, as far as possible, exhaust all accrued recreation leave prior to returning to a non school based teaching service position. Teachers returning to a non school based teaching service position may elect to seek to transfer the balance of their recreation leave accumulated while at the service of the Office of the Board of Studies and unable to be taken prior to return to the Department.
g) Right of Return

Right of return to a teaching service position applies only to seconded teachers who were appointed substantively to a teaching service position within the Department prior to the commencement of the secondment.

At the end of a secondment, teachers will return to a position in the Department at their previous substantive level or will be able to apply for advertised teaching service positions in the Department.

If the secondment is for a period of up to twelve months, there will be a right of return to the position to which the seconded teacher was substantively appointed prior to proceeding on secondment.

If the secondment exceeds twelve months the teacher will be placed, subject to availability, in a suitable vacancy closest to the teacher's previous school and, where applicable, to the same or equivalent promotion position the teacher held prior to proceeding on secondment.

Seconded teachers returning to school positions will be given nominated transfer status.

Seconded teachers who are due to return to school positions and who have relinquished right of return to their former position must submit an Application for Transfer or Lateral Appointment. The application must indicate nominated transfer status and be forwarded to the Manager of School Staffing.

A seconded teacher who was previously appointed to a substantive permanent non school based teaching service position will have right of return to the district office or state office directorate in which he or she was substantively appointed. Where it is not possible to locate a suitable position normal displaced officer procedures will apply.

Seconded teachers who have right of return to a non school based teaching service position should make written application for return to the Manager of Corporate Staffing.

A teacher may apply to return to the Department prior to the expiration of the secondment period. Each case will be considered on its merits in consultation with the Office of the Board of Studies, taking into account the teacher's reasons for seeking return, acting arrangements currently in place and/or the staffing situation in relation to appropriate vacancies.

h) Transferred Officers' Compensation

Teachers returning to the Department following the expiration of a secondment may be entitled to the provisions of the Transferred Officers’ Compensation Determination No. 1 of 2001 or successor provision.

The provisions of Determination No. 1 of 2001 or successor provision will apply where teachers can demonstrate that:

- they were required to move residence in order to accept the appointment;
- the appointment to a school or office was to a location other than the teacher's location prior to secondment; and
- the appointment was to the nearest suitable vacancy to the teacher’s previous school.
1.6.3 Conditions for Teachers Temporarily Appointed to Bradfield College

1.6.3.1 Introduction

Conditions of employment for Departmental teachers temporarily appointed to Bradfield College will be those applying to the relevant position and as provided for in the industrial instrument(s) relating to those particular positions in Bradfield College.

1.6.3.2 Conditions for Teachers Accepting an Appointment to Bradfield College

Teachers must submit a copy of the offer of appointment to Bradfield College. The teacher does not need to apply for leave.

The term of employment for employees engaged to work at Bradfield College will be for a period of up to three years with the possibility of reappointment for a further period(s).

During their period of service at Bradfield College teachers are eligible to apply for positions appearing in Job File in accordance with the provisions which apply to all applicants.

1.6.3.3 Portability of Entitlements

A teacher carries across all accrued leave entitlements to Bradfield College. This includes cumulative sick leave and long service leave entitlements.

In the initial year of service with Bradfield College, the teacher's prior service in the Department will be recognised for the purposes of determining the annual leave loading. The teacher will be eligible to receive the full leave loading at the salary rate applicable to the teacher's position at Bradfield College.

1.6.3.4 Superannuation

Teachers who demonstrate they are existing contributors to either the State Superannuation Fund, the State Authorities Superannuation Scheme or the First State Superannuation Scheme are entitled to retain their membership of those schemes as provided for in the Superannuation Act 1916, the State Authorities Superannuation Act 1987 or the First State Super Act 1992. Superannuation provisions will be no less beneficial than those the teachers would have received had they remained in their original positions with the Department.

In the event of a teacher's retirement, medical retirement or death during the period of temporary appointment to Bradfield College, the teacher's exit salary rate for superannuation purposes will be deemed to be the salary rate applicable to the position to which the teacher has been temporarily appointed at Bradfield College at the time of retirement or death.

1.6.3.5 Workers’ Compensation

Teachers temporarily appointed to Bradfield College should submit any workers’ compensation claims to Bradfield College.

1.6.3.6 Teachers Returning to the NSW Department of Education and Training at the Expiration of their Employment with Bradfield College

The following conditions apply to teachers employed at Bradfield College on a full-time basis.

a) Annual Leave Loading

Teachers returning to the Department will be paid an annual leave loading in
accordance with the conditions contained in the Teachers Handbook. In the initial year of the teacher's return to the Department the teacher's prior service at Bradfield College will be recognised for the purpose of determining the annual leave loading. The full leave loading will be paid at the teacher's substantive salary rate in the Department.

b) Continuity of Service

The period of service at Bradfield College will be recognised for determining leave entitlements and incremental progression except in the following circumstances:

i) leave without pay of five days duration or longer will not count for the purposes of determining incremental progression;

ii) unpaid leave of six months duration or longer taken during the period of the appointment to Bradfield College will not count for determining leave entitlements, incremental progression or vacation entitlements; and

iii) unless the teacher otherwise elects to pay the employee and employer superannuation contribution, any period of leave without pay in excess of six months taken during the period of service with Bradfield College, will not count for superannuation purposes. This applies to members of the State Superannuation Fund. Members of the State Authorities Superannuation Scheme or First State Superannuation should contact the relevant section of Teacher and Administrative Staff Services for further details.

A teacher's leave entitlements (with the exception of recreation leave which is covered separately in 1.6.3.6 d)), accrued at Bradfield College, will be transferred upon the teacher's return to the Department.

The period of service with Bradfield College will be taken into account for the purposes of determining the teacher's entitlement to maternity, paternity and adoption leave.

c) Leave Following the Expiration of Employment with Bradfield College

Teachers may be granted leave following the expiration of employment at Bradfield College. In these circumstances teachers seeking leave without pay and/or long service leave must submit a leave application to Teacher and Administrative Staff Services or their previous directorate at least three months prior to the teacher's return date to the Department.

d) Recreation Leave

Teachers must expend all recreation leave prior to their return to the Department if they are appointed to a school.

Teachers should, as far as possible, exhaust all accrued recreation leave prior to returning to a non school based teaching service position. Teachers returning to a non school based teaching service position may elect to seek to transfer the balance of their recreation leave accumulated while at the service of Bradfield College and unable to be taken prior to return to the Department.

e) Right of Return

Right of return to a teaching service position applies only to teachers who were appointed substantively to a teaching service position within the Department prior to the commencement of service with Bradfield College.
Teachers returning to the Department will be given nominated transfer status.

Teachers are entitled to return to a position in the Department at the same level as the position occupied in the Department at the time immediately prior to appointment at Bradfield College and will be placed in a suitable vacancy closest to the teacher's previous school.

f) Transferred Officers' Compensation

Teachers appointed to a promotions position that is higher than their substantive position held prior to their period of service with Bradfield College will be eligible for benefits provided for in clause 9 of the Transferred Officers' Compensation Determination No. 1 of 2001 or successor provision. See Sections 1.7.2.6 and 1.7.2.7 for further details.

1.6.3.7 Casual Employees of Bradfield College Seeking Employment as Teachers with the NSW Department of Education and Training

a) Annual Leave Loading

A casual employee appointed as a classroom teacher in a Departmental school will be paid an annual leave loading in accordance with the conditions contained in the Teachers Handbook.

b) Continuity of Service

Casual employees at Bradfield College who are appointed to full-time positions in the teaching service are entitled to have prior service with Bradfield College recognised for the purposes of determining salary status, long service leave and cumulative sick leave entitlements.

Departmentally approved casual teachers who undertake casual teaching at Bradfield College are eligible to have this service recognised and accredited by the Department on the basis that each six hours of paid attendance shall be equivalent to one day's attendance at a school.

c) General

A casual teacher is defined as a teacher employed at Bradfield College and paid on an hourly basis.

For the purposes of this section a casual employee does not necessarily have to have been a previous employee of the Department.

An employee at Bradfield College who was on the Department's waiting list prior to their period of service at Bradfield College will remain active on the waiting list and will be considered for appropriate appointment to substantive teaching vacancies within the teaching service in line with current policy.

Casual employees at Bradfield College are eligible to apply for classroom teacher positions appearing in Job File.

d) Recreation Leave

A casual employee must expend all recreation leave prior to their appointment to a school position in the Department.

Teachers should, as far as possible, exhaust all accrued recreation leave prior to returning to a non school based teaching service position. Teachers may elect to seek to transfer the balance of their recreation leave accumulated while at the service of Bradfield College and unable to be taken prior to return to the
e) Right of Appointment

Casual employees of Bradfield College who were temporary employees of the Department (temporary/casual teachers) and who are selected for a second period of engagement at Bradfield College (i.e. for a period of six years) will be appointed to a position in a Departmental school anywhere in NSW at the expiration of the second period of engagement provided that:

i) the teacher's efficiency as determined by the Director of Bradfield College is satisfactory on exit from Bradfield College;

ii) the teacher does not gain a further period of engagement at Bradfield College;

iii) the teacher has not declined a position offered whilst they were on the Department's waiting list.

Casual employees of Bradfield College are only eligible to be appointed to classroom teacher positions regardless of the category of the position held at Bradfield College.

f) Transferred Officers' Compensation

Casual employees are not entitled to any assistance upon appointment to a school in terms of the Transferred Officers' Compensation Determination No. 1 of 2001 or successor provision.

1.6.4 Conditions for Teachers Released to Accept Temporary Appointments in NSW Universities

1.6.4.1 Introduction

Conditions of employment for Departmental teachers released by the Department to accept temporary appointments in NSW universities will be those applying to the relevant position and as provided for in the industrial instrument(s) relating to those particular positions in NSW universities.

1.6.4.2 Teachers Seeking Release to Accept a Temporary Appointment in a NSW University

Teachers are required to submit a leave without pay application for the period of the temporary appointment.

The leave without pay will not be deducted from a teacher's career entitlement of three years leave without pay for personal reasons.

Subject to approval by the Department a teacher may be released to accept a temporary appointment in a NSW university for a period of up to three years.

All costs incurred by teachers as a result of accepting a temporary appointment, including removal to another residence or work location will be the responsibility of the individual teacher making such applications.

Teachers released to accept a temporary appointment in a university are eligible to apply for positions appearing in Job File during the period of the temporary appointment in accordance with the provisions which apply to all applicants.
1.6.4.3 Portability of Entitlements

There is no portability of leave entitlements unless specified by the university.

1.6.4.4 Superannuation

The Department is not responsible for the payment of the employer contribution to superannuation during the teacher's service with a university. The Department will also not be responsible for the employer's liability for superannuation for additional units, if any, attracted by the salary the teacher receives while in its employ. This will only occur in the event of emergence of pension entitlement through retirement.

1.6.4.5 Workers' Compensation

Teachers released to accept a temporary appointment in a university should submit any workers’ compensation claims to that university.

1.6.4.6 Teachers Returning to the Department Following Expiration of the Release or on Request of a Teacher

a) Annual Leave Loading

The period of the temporary appointment will not count for the purposes of determining annual leave loading.

b) Continuity of Service

The period of the temporary appointment will not, in general, count as service for any purpose other than incremental progression. The exception to this is long service leave where the receiving university accepts responsibility for the payment of long service leave accrued while the teacher is in its employ.

c) Recreation Leave

Teachers must expend all recreation leave accrued during the temporary appointment, prior to reappointment to a position in the Department.

d) Right of Return

Right of return to a teaching service position applies only to teachers who were appointed substantively to a teaching service position within the Department prior to the commencement of the temporary appointment.

If the period of temporary appointment is up to twelve months, there will be right of return to the position the teacher was substantively appointed to prior to proceeding on temporary appointment.

If the temporary appointment exceeds twelve months the teacher will be placed, subject to availability, in a suitable vacancy closest to the teacher's previous school and, where applicable, to the same or equivalent promotion position the teacher held to prior to proceeding on the temporary appointment.

Teachers who were previously appointed to a substantive permanent non school based teaching service position will have right of return to the district office or directorate in which they were substantively appointed. Teachers should make a written application for return to the Manager of Corporate Staffing. Where it is not possible to locate an appropriate position existing displaced officer procedures will apply.
All teachers who are due to return to the Department and who have relinquished right of return to their former position must submit an Application for Transfer/Lateral Appointment to the Manager of School Staffing.

In the absence of a suitable vacancy the teacher may elect to proceed on leave without pay for personal reasons while awaiting a suitable vacancy.

Teachers may apply to return to the Department prior to the expiration of the temporary appointment. Each case will be considered on its merits in consultation with the relevant university, taking into account the teacher's reasons for seeking return, relieving arrangements currently in place and/or the staffing situation in relation to appropriate vacancies.

e) Transferred Officers' Compensation

Teachers are not entitled to assistance upon reappointment to a school position in the Department in terms of transferred officers' compensation.

1.6.5 Conditions for Teachers Released to Accept Temporary Appointments in Other Government Agencies

1.6.5.1 Introduction

Conditions of employment for Departmental teachers released by the Department to accept temporary appointments in other government agencies will be those applying to the relevant position and as provided for in the industrial instrument(s) relating to those particular positions in the other government agencies.

1.6.5.2 Teachers Seeking Release to Accept a Temporary Appointment to Another Government Agency

Teachers are required to submit a leave without pay application for the period of the temporary appointment.

The leave without pay will not be deducted from a teacher's career entitlement of three years leave without pay for personal reasons.

Subject to approval by the Department a teacher may be released to accept a temporary appointment to another government agency for a period of up to three years.

Teachers released on temporary appointment are eligible to apply for positions appearing in Job File during the period of the temporary appointment in accordance with the provisions which apply to all applicants.

1.6.5.3 Portability of Entitlements

The period of temporary appointment will count for the purposes of determining incremental progression, long service leave, family and community service leave and cumulative sick leave entitlements in accordance with public service mobility provisions.

There is no portability of school vacation entitlements during a period of temporary appointment. For the purpose of vacation entitlements the teacher, on return to the Department, will be regarded as a new appointment.
1.6.5.4 Superannuation

The Department will not be responsible for the payment of the employer contribution to superannuation during the teacher's period of temporary appointment. The Department will also not be responsible for the employer's liability for superannuation for additional units, if any, attracted by the salary the teacher receives while in its employ. This will only occur in the event of emergence of pension entitlement through retirement.

1.6.5.5 Workers' Compensation

Teachers released to accept a temporary appointment in another government agency should submit any workers' compensation claims to that agency.

1.6.5.6 Teachers Returning to the NSW Department of Education and Training Following Expiration of a Temporary Appointment

a) Annual Leave Loading

In the initial year of the teacher's return to the Department, the teacher's period of temporary appointment will be recognised for the purposes of determining annual leave loading. Subject to the leave loading not having been paid by the other agency the teacher would be entitled to payment of the full leave loading at his or her substantive teaching salary rate.

b) Continuity of Service

On return to the Department the period of temporary appointment will be recognised for determining leave entitlements and for incremental progression except in the following circumstances:

i) leave without pay of five days duration or longer whilst on temporary appointment will not count for the purposes of determining incremental progression; and

ii) unpaid leave of six months duration or longer taken whilst on temporary appointment will not count for determining leave entitlements, incremental progression or vacation entitlements; and

iii) unless the teacher otherwise elects to pay the employee and employer superannuation contribution, any period of leave without pay in excess of six months taken during the period of temporary appointment, will not count for superannuation purposes. This applies to members of the State Superannuation Fund. Members of the State Authorities Superannuation Scheme or First State Superannuation should contact the relevant section of Teacher and Administrative Staff Services for further details.

c) Leave Following Expiration of Temporary Appointment

Teachers may be granted leave following the expiration of a temporary appointment to another government agency. In these circumstances teachers seeking leave without pay and/or long service leave must submit a leave application to Teacher and Administrative Staff Services or their previous directorate at least three months prior to the teacher's return date to the Department.

d) Recreation Leave

Teachers must expend all recreation leave prior to their return to the Department if they are appointed to a school.
Teachers should, as far as possible, exhaust all accrued recreation leave prior to returning to a non school based teaching service position. Teachers returning to a non school based teaching service position may elect to seek to transfer the balance of their recreation leave accumulated while at another government agency.

e) Right of Return

Right of return to a teaching service position applies only to teachers who were appointed substantively to a teaching service position within the Department prior to the commencement of the temporary appointment.

At the end of the temporary appointment, teachers will return to a position in the Department at their previous substantive level or will be able to apply for advertised teaching service positions in the Department.

If the temporary appointment is for a period of up to twelve months, there will be a right of return to the position to which the teacher was substantively appointed prior to proceeding on the temporary appointment.

If the temporary appointment exceeds twelve months the teacher will be placed, subject to availability, in a suitable vacancy closest to the teacher's previous school and, where applicable, to the same or equivalent promotion position the teacher held prior to proceeding on temporary appointment.

Teachers who were previously appointed to a substantive permanent non school based teaching service position will have right of return to the district office or directorate in which they were substantively appointed. Teachers should make a written application for return to the Manager of Corporate Staffing. Where it is not possible to locate an appropriate position existing displaced officer procedures will apply.

All teachers who are due to return to the Department and who have relinquished right of return to their former position must submit an Application for Transfer or Lateral Appointment to the Manager of School Staffing.

In the absence of a suitable vacancy the teacher may elect to proceed on leave without pay for personal reasons while awaiting a suitable vacancy.

Teachers may apply to return to the Department prior to the expiration of the temporary appointment period. Each case will be considered on its merits in consultation with the other government agency, taking into account the teacher's reasons for seeking early return, relieving arrangements currently in place and/or the staffing situation in relation to appropriate vacancies.

Subject to the appropriate on costs being met by the other government agency, the period of the temporary appointment will be recognised for determining leave entitlements and for incremental progression except in the following circumstances:

i) leave without pay of five days duration or longer will not count for the purposes of determining incremental progression; and

ii) Unpaid leave of six months duration or longer taken whilst on temporary appointment will not count for determining leave entitlements, incremental progression or vacation entitlements.

f) Transferred Officers' Compensation

Teachers returning to the Department following the expiration of a temporary
appointment may be entitled to the provisions of the *Transferred Officers’ Compensation Determination No. 1 of 2001* or successor provision.

The provisions of *Determination No. 1 of 2001* or successor provision will apply where teachers can demonstrate that:

- they were required to move residence in order to accept the appointment;
- the appointment to a school or office was to a location other than the teacher's location prior to secondment; and
- the appointment was to the nearest suitable vacancy to the teacher’s previous school.

### 1.7 Transferred Officers' Compensation

These notes should be read in conjunction with the *Transferred Officers’ Compensation Determination 1 of 2001*.

#### 1.7.1 Eligibility

**1.7.1.1 General**

a) The Determination does not apply to casual or temporary teachers.

b) Generally, to be eligible to benefit under the Determination, a teacher must satisfy the requirements of location, basis of transfer or service as specified at Clause 1 (u) of the Determination.

c) A statement appears on a teacher’s appointment notice which indicates whether the transfer meets the requirements. This statement, however, refers to general eligibility and does not mean that the transferred teacher will necessarily be entitled to any or all of the benefits provided in the Determination.

Teachers should contact the personnel support officer in the district office at their new location for advice on their entitlement to the provisions of the Determination.

d) The benefits of the Determination do not apply to permanent teachers on first employment or re-employment. A relocation subsidy is payable to eligible teachers appointed to schools in specific areas of the State. See Section 1.7.1.4 for details.

**1.7.1.2 Location**

a) The reference to ‘location’ refers to the location of a teacher’s school not place of residence.

b) Benefit is not generally available to teachers who transfer within a metropolitan area or country centre or when a change of residence is not necessary in order for the teacher to take up the new appointment.

c) Consideration may be given to payment of benefits when a teacher is transferred within the metropolitan area and particular hardship will occur if the teacher does not move residence to the new location.

d) A teacher is not generally entitled to benefits under the Determination when transferring from a country town to the metropolitan area, or vice versa, if the school to which the teacher is appointed is located within 50 kilometres of the teacher’s residence.
e) A teacher who moves residence while on maternity leave and then seeks to resume duty at the new location is not eligible to benefits.

f) Distance will be determined having regard to the shortest practicable route.

1.7.1.3 Basis of Transfer and Service

a) Teachers will be considered to have met the service requirements of the Determination if:

i) they have served for not less than two years in a school located in Schedule A or three years in a school located in Schedule B of the Determination or five years in any other school; or

ii) they are promoted; or

iii) they are a nominated transfer.

b) Aggregation of service is permitted where the service is in two or more schools in any one country centre or two or more schools in the Sydney metropolitan area, provided that no benefits under the Determination were paid during the preceding two, three or five years as appropriate.

c) Teachers appointed to a non school based teaching service position or who are on a temporary release with another authority should see Section 1.6 for further details.

d) For the purpose of fulfilling the service requirement in the definition of a “transferred officer” under the Determination, appointment to a school which occurs at any time up to the first day of second term shall be deemed to have occurred on the first day of term 1. In the case of permanent part time teachers the time period would be up to the first week of second term.

1.7.1.4 Relocation Subsidy on First Employment or Re-employment

On first employment or re-employment, teachers are not eligible for the provision of the Transferred Officers’ Compensation Determination. Permanent and temporary teachers appointed to schools in specific areas of the State may be entitled to a relocation subsidy when it is necessary to leave their existing residence and take up a new residence which is more than 150 kilometres from their existing residence. Further information can be obtained from the teacher's district office.

a) Relocation of residence 151 to 200 kilometres - travel assistance at 12 cents per kilometre for total distance.

b) Relocation of residence 201 kilometres or more - travel assistance at 12 cents per kilometre and assistance with the cost of removal of personal and household effects at the rate of $1 per kilometre for the total distance.

c) Teachers are required to sign an undertaking to repay any amounts received if they do not serve for a complete school year or in the case of temporary teachers, the temporary engagement is terminated early at the instigation of the temporary teacher.

1.7.2 Entitlements

a) A statement appears on a teacher’s appointment notice which indicates whether the appointment meets the service requirements of the Determination. This statement refers to the teacher’s general eligibility only. Each benefit under the Determination has its own provisions and time constraints.
b) Additional advice on eligibility for benefits can be obtained from the district office in a teacher’s new location.

c) Procedures and forms for applying for the various benefits are provided in the Transferred Officers’ Information Kit. This is available from district offices and on the Department’s intranet site at: http://detwww.det.nsw.edu.au/directorates/personnel/pteach/empcond.htm.

d) These procedures should be read carefully, in conjunction with the Determination, before entering into any relocation arrangements.

1.7.2.1 Leave

a) Special leave may be available to teachers transferred at the Department’s expense. See Section 4.14, Special Leave for details.

b) Teachers granted special leave to seek accommodation are also eligible to claim assistance with overnight accommodation and meal expenses. Reimbursement, in accordance with rates as set from time to time, is payable to the teacher and one family member.

1.7.2.2 Removal Costs

a) Transferred officers may be entitled to reimbursement of reasonable costs incurred in removing personal and household effects to their new location.

b) The removal of personal and household effects is managed by a contractor. The Department advises the contractor of teachers eligible for removal expenses. The contractor then contacts the teacher to arrange removal.

c) Removal expenses shall include the cost of insuring personal and household effects while in transit up to an amount of $38 000.

   If the insured value exceeds $38 000 the application together with a copy of the teacher’s current household contents policy should be referred to the district superintendent for consideration.

d) Where a teacher, who uses a private vehicle for the purposes of official business, finds it necessary to transport another private vehicle maintained by the teacher, the teacher shall be allowed the option of being paid:

   i) the cost of transportation by either rail or road transport; or

   ii) where the vehicle is driven to the new location, a motor vehicle allowance at the specified journey rates as prescribed from time to time.

1.7.2.3 Storage of Furniture

a) Where a transferred officer is unable to secure suitable accommodation at the new location and is required to store furniture while waiting to secure a residence, reasonable costs of storage and cartage to and from the store may be refunded.

b) The cost of insurance of furniture while in storage is payable on the same basis as under 1.7.2.2.

c) Reimbursement of storage costs is limited to the time required for suitable accommodation to become available or for a period of 26 weeks whichever is less, except where the teacher is transferred to a metropolitan area in which case the maximum limit is thirteen weeks.
1.7.2.4 Cost of Personal Transport

Depending on the particular circumstances, the Determination makes provision for payment of personal transport.

a) A transferred officer will be entitled to reimbursement of the cost of first class rail travel or for the use of his or her private motor vehicle on the following basis:

   i) for the teacher and one member of his or her family when on special leave to seek accommodation;

   ii) for the teacher and all members of his or her household where special leave has been approved to allow for travel to enter on duty in the new location. Where the teacher’s family does not travel at the time special leave is taken, entitlement to costs for their personal transport will be deferred until they travel to take up residence at the teacher’s new location;

   iii) for the teacher to return to their former location to visit their family when new accommodation has not been secured.

b) There are two types of motor vehicle allowance rates:

   i) **Official Business Rate**

      This rate is applied in situations where:

      • the teacher is travelling to enter on duty at the new location; and/or

      • a teacher has been granted permission to maintain a car primarily for travelling on official business.

   ii) **Specified Journey Rate**

      This rate will apply in all other circumstances.

c) Payment of motor vehicle allowances are subject to the teacher meeting Departmental requirements relating to the use of private motor vehicles on official business (see Section 1.8.1.1).

d) Motor vehicle allowances paid in respect of travel will not exceed the cost of first class rail travel to which the teacher might otherwise have been entitled.

e) Where an overall saving would eventuate, a teacher and one member of his or her family may be entitled to economy class air fare in lieu of first class rail travel or motor vehicle allowances.

   This applies only where the teacher is travelling to the new location to seek accommodation and is subject to the policy for use of air travel as determined by the Premier.

1.7.2.5 Compensation for Depreciation and Disturbance

Under the Determination, an allowance, as determined from time to time, is payable to compensate for the accelerated depreciation of personal and/or household effects removed to a new location.

The disturbance allowance is currently $1 126 and is based upon the Department being satisfied that the teacher has removed a substantial portion of normal household furniture, furnishings and fittings of not less value than $7 037. A pro rata amount is payable where the value is less.
1.7.2.6 Conveyancing and Other Costs

a) The Determination provides for reimbursement of certain expenses where a teacher sells a residence at the former location and buys a residence or land upon which to erect a residence at the new location. These expenses include stamp duty, mortgage fees, commissions and where appropriate solicitors' professional costs and disbursements in respect of such transactions.

b) The maximum amounts which may be reimbursed for conveyancing and other costs shall be limited to the amounts which would be payable had the sale and purchase prices of the properties involved been $315,000 in each case.

c) The benefits of the Determination may be denied if:

i) the sale of the former residence commences more than six months before the actual transfer;

ii) both the sale and purchase transactions are not completed within four years of the actual transfer (except as provided in the Determination);

iii) a teacher owning a residence at location A and who has taken up rented accommodation on transfer to location B then moves on transfer or promotion to location C and:

   - a period of more than eight years has elapsed since the teacher’s transfer from A to B;

   - the sale transaction of the residence at A occurs earlier than six months prior to the transfer from A to B and more than four years after transfer from B to C;

   - the purchase is made earlier than six months prior to or more than four years after the transfer from B to C.

iv) the property is capable of earning an income;

v) the property sold or purchased is a caravan or mobile home; or

vi) the property sold was not the teacher’s immediate preceding residence.

1.7.2.7 Refund of Stamp Duty

Where a teacher who is transferred at the Department’s expense, does not sell an existing residence at their previous location but within fifteen months of transfer to a new location, purchases a residence or land on which to erect a residence, the following may be reimbursed:

i) an allowance to cover the whole of the stamp duty paid on the contract and mortgage; and

ii) the cost of registration fees on transfer and costs.

1.7.2.8 Incidental Costs on Change of Residence

a) Teachers who qualify for conveyancing and other costs associated with the sale and purchase of a residence as outlined in Section 1.7.2.6 and 1.7.2.7 may be eligible for:
i) Reimbursement of any council or other local government rates which are levied during a period when the former residence is of necessity left vacant. This would occur when a teacher takes up duty in a new location and the previous residence has not been sold. The reimbursement of rates would apply from the date the teacher entered on duty in the new location, having vacated the former residence, until the date the previous residence is sold;

ii) Reimbursement of survey and pest certificates;

iii) Reimbursement of costs incurred in respect of reconnection of gas and/or electricity supplies and the cost of telephone reconnection;

iv) Reimbursement of the fee charged by Australia Post for the redirection of mail for one month.

1.7.2.9 Education of Children

a) The Determination makes provision for payment of an allowance to assist with the cost of board and lodging in cases where a teacher has dependent children who have to continue their secondary education in Year 12 at the teacher’s previous location because elected subjects are not available at the new location.

b) The Determination also makes provision for reimbursement of the cost of essential school clothing which must be replaced or purchased where a change of school has resulted from the teacher’s transfer to a new location. The reimbursement is only made in respect of each child who is continuing in primary or high school, not entering either for the first time.

1.7.2.10 Relocation on Retirement

a) On retirement, or medical retirement, teachers may be refunded reasonable costs incurred in the removal of personal and household effects to a location of their choice, together with the cost of insurance against damage in transit as provided in Section 1.7.2.2. Payment of this benefit is subject to the following:

i) the maximum amount of reimbursement is limited to the amount that would be payable had the teacher moved to the place of original recruitment to the Education Teaching Service; and

ii) the relocation occurs within twelve months of retirement; and

iii) the teacher has completed ten years service and has been transferred at the Department’s expense at least once during their service.

b) Subject to meeting the requirements as set out in (a) above, benefit may be paid to a teacher’s dependent spouse when a teacher dies while still in the service. Special consideration may be given to payment of benefit to children or dependent relatives of a deceased teacher in similar circumstances.
1.8 Travel and Accommodation Expenses

These notes should be read in conjunction with the Crown Employees (Teachers and Related Employees) Salaries and Condition Award and Determinations 23 to 40.

1.8.1 Travel Expenses

a) Except where authorised, teachers are responsible for meeting costs incurred in travel between their residence and usual place of work.

b) Teachers may be authorised to use their private vehicle for travel on official business where other modes of travel are unsuitable or unavailable and provided the vehicle is comprehensively insured.

c) Payment, on a case by case basis, will be considered for private vehicle usage by casual teachers who are required and authorised to use their private vehicle in the performance of their duties.

d) Teachers who wish to use their private vehicle for travelling on official business must make application to the district office using the Application to Use Private Motor Vehicle on Official Business form.

e) Claims for expenses must be submitted within one month of incurring the expense.

1.8.1.1 Private Motor Vehicle Used for Official Business

a) There are two types of allowances payable for travel on official business by private vehicle - official business rate and specified journey rate.

b) The official business rate is paid to authorised teachers who are required to travel regularly on official business as specified at section 1.8.1.1.1 below and the specified journey rate is paid to authorised teachers who travel intermittently on official business (see section 1.8.1.1.2).

c) The rates are adjusted in line with those in the public sector and are advised by circular. Click here to view the latest rates.

1.8.1.1.1 Official Business Rate

a) The official business rate is payable where the use of a teacher’s private motor vehicle on official business is authorised and the teacher is required to travel on official business using his/her motor vehicle on a regular basis of at least once per week throughout the school year or travel a minimum of 400 kilometres during the school year, except where:

i) an official vehicle is available;

ii) for all or specific days of travel, public transport is obviously available, suitable, and does not result in a loss of the teacher’s professional time and/or restriction in the performance of the teacher’s duties and professional responsibilities.

b) Where a teacher commences duty other than at the start of the school year the minimum period of 400 kilometres to be travelled will be adjusted proportionately.

c) The rate paid is based on the distance travelled on official business, engine capacity of the vehicle and distance between home and headquarters for which a daily deduction is made.
1.8.1.2 Specified Journey Rate

a) This rate is payable to teachers who are authorised to use their private motor vehicle to travel on official business intermittently as opposed to regular use for which the official business rate is paid, except where:

i) an official vehicle is available;

ii) for all or specific days of travel, public transport is obviously available, suitable and does not result in a loss of the teacher’s professional time and/or restriction in the performance of the teachers duties and professional responsibilities.

b) Circumstances where teachers, who are not authorised for reimbursement at the official business rate, may be given approval to use their private vehicle on official business at the specified journey rate include travel to attend staff development courses, selection committee interviews, GREAT appeals and hearings.

1.8.1.3 Payment of 2 700 cc or More Motor Vehicle Rate

a) Where the teacher’s normal duties are performed within the Sydney Region (as defined by Planning NSW) the maximum per kilometre rate payable will be the 1 600 to 2 700 cc rate.

b) Where the official travel, in whole or in part, is outside the Sydney Region, consideration will be given to payment of the over 2 700 cc rate in respect of a vehicle with an engine capacity above 2 700 cc. Such consideration will be related to the total annual distance travelled by the teacher on official business, the terrain and other factors advanced by the teacher as relevant.

c) Provided that the provisions of 1.8.1.1.3 a) and b) will not apply to teachers who have an existing approval for payment of the over 2 700 cc rate arising from clause 4(b)(i) of Industrial Agreement 7036 of 1983.

1.8.1.4 Daily Deduction

a) On days when a teacher is required to travel on official business and travels to and from home, whether or not the teacher visits headquarters, a deduction shall be made from the total distance travelled from home to home as follows:

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<thead>
<tr>
<th>Distance Home to Headquarters (One Way) Kilometres</th>
<th>Deduction Kilometres</th>
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<td>11-29</td>
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</table>
Travel and Accommodation Expenses

### Distance Home to Headquarters (One Way) Kilometres

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<thead>
<tr>
<th>Kilometres</th>
<th>Deduction Kilometres</th>
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<tbody>
<tr>
<td>30 or more</td>
<td>10 plus 2 km for each km above 29 km from home to headquarters</td>
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</table>

Provided that when the above deduction has been effected, the officer will add to the number of kilometres claimed the kilometres shown in the following schedule:

### Distance Home to Headquarters (One Way) Kilometres

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<th>Kilometres</th>
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<td>61-65</td>
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<td>66 and over</td>
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</table>

b) This daily deduction discounts the normal one-way distance travelled from home to headquarters for which teachers will not be paid.

c) Where a teacher is on duty at his/her headquarters on a particular day and the teacher elects to travel to the headquarters in his/her private motor vehicle, no payment will be made for such travel.

If, on such a day, the teacher is directed to travel from his/her headquarters in an emergency situation, the teacher may be granted approval to use his/her own motor vehicle and claim the normal kilometre rate for the distance from headquarters to the emergency centre and return.

d) Where a teacher has approval to use his/her private motor vehicle on official business and is directed to have the vehicle at headquarters on each day, or particular days, in order to have available a ready means of transport, payment will be made for the distance from home to headquarters and return for each day of duty the care is required to be available (on official business), less the daily deduction.

e) A claim for travel allowance cannot be made where the headquarters and another centre visited are on the same or adjacent sites.

f) The daily deduction is not applied where a teacher is required to use his or her private motor vehicle from his or her home after working hours on official business or when the teacher is required to stay away from home overnight on official business.

#### 1.8.1.5 Insurance Requirements

No motor vehicle allowance will be paid to a teacher who uses a private motor vehicle on official business unless certain insurance requirements are met. These requirements are:
a) The motor vehicle must be covered by a policy as required by the 
Motor Vehicles (Third Party Insurance) Act 1942; and

b) The teacher must have in force, at the time the vehicle is being used 
on official business, a comprehensive policy or policies of insurance or 
indemnity, to an amount and in a form approved by the Director-
General, providing insurance or indemnity against:

i) liability of the Crown and the teacher to pay for loss or damage to 
property arising out of the use of the vehicle by the teacher; and

ii) liability of the Crown to pay for loss or damage to the vehicle.

These insurance requirements are consistent with conditions applying 
throughout the public sector.

1.8.1.2 Teaching In More Than One School

Teachers required to teach in more than one school may be paid for excess time 
occupied in travelling from home to school and/or from school to home in accordance 
with Clause 24 and Schedule 8, Part A of the Crown Employees (Teachers and 
Related Employees) Salaries and Conditions Award.

1.8.1.3 Travel to Temporary Headquarters

a) Where a teacher is required to take up an appointment at temporary 
headquarters away from normal headquarters, approval may be given to travel 
by private motor vehicle and to be paid an allowance at the official business rate 
for the first journey to, and last journey from the temporary headquarters.

b) Subsistence allowance in accordance with Determination 23 or 24 is also paid 
for the first journey to, and the last journey from the temporary headquarters 
back to substantive headquarters.

c) The initial period of travel does not form part of the 35 day count (as referred to 
in Determination 23) which starts from the time the teacher arrives at the 
temporary headquarters.

1.8.1.4 Return Home at Weekends from Temporary Headquarters

a) A number of alternative arrangements are available for teachers who elect or are 
required to return home at weekends from temporary headquarters which are as 
follows:

i) Teachers who elect to travel home at weekends

Generally, where teachers are receiving subsistence allowance for travel 
up to or over 35 days and it is convenient for them to return home at 
weekends by travel outside of working hours then they may do so and the 
Department will:

• reimburse the cost of first class rail travel; or

• pay the specified journey rate for travel by private vehicle limited to 
the cost of rail travel, provided that travel costs do not exceed the 
value of subsistence allowance saved. Any additional costs are the 
responsibility of the teacher.
ii) Teachers who are required to travel home at weekends

Teachers who are paid subsistence allowance up to 35 days may be required to return home at weekends outside of working hours where a saving of at least $30 in subsistence costs is achieved after deducting:

- subsistence costs payable for the time spent travelling;
- compensatory leave for excess travelling time; and
- travel costs for the weekend journey provided transport enables the teacher to arrive home no later than 10.30 pm on the Friday evening and to depart from home no earlier than 5.45 pm on the Sunday afternoon.

Travel costs met by the Department are the same as in i) above.

iii) Teachers who can only travel home during working hours

Where it is not possible for teachers to return home by travelling outside of working hours, then they may be granted special leave to enable them to spend two consecutive days and nights at their residence. To qualify for special leave teachers must be absent from their headquarters initially for a continuous period of three weeks. Thereafter, leave may be granted every four weeks. Such leave is limited to the minimum time necessary for the journey.

In respect of the travel cost the Department will:

- reimburse the cost of first class rail travel; or
- pay the specified journey rate for travel by private vehicle limited to the cost of rail travel.

b) Entitlement to subsistence allowance ceases when the teacher arrives home and recommences from the time that he or she leaves home to return to the temporary headquarters.

1.8.1.5 Travelling Expenses when Attending Examinations

a) Teachers are assisted with travelling expenses incurred where they are required to travel to another centre to attend examinations for which special leave has been approved.

b) Teachers may be reimbursed for the cost of first class rail travel or paid the specified journey rate for travel by private vehicle limited to the cost of first class rail travel for the journey.

c) Teachers may be granted the cost in excess of $12 to cover the cost of meals reasonably and necessarily incurred while absent from their headquarters.

d) Where it is necessary for a teacher to proceed to the examination centre on the evening prior to the examination as the examination is held in the morning, the cost of overnight accommodation may be allowed. The assistance granted will be the actual cost of meals and accommodation, less in respect of each overnight stay, the amount of $12.

e) Claims for hotel or motel accommodation and meal expenses must be supported by receipts.
1.8.2 **Meals and Accommodation Expenses**

1.8.2.1 **General**

The provisions in respect of payment of subsistence allowances for meals and accommodation for teachers required to travel on official business are set out in *Determinations 23 to 40*.

a) The amount of the allowance paid depends mainly on the period of absence from headquarters. There are three categories which are:

i) one day trips - where there is no overnight stay and only meal costs are involved;

ii) absence from headquarters for up to 35 days - where either a set allowance is paid or actual costs of meals or accommodation are refunded; and

iii) absences from headquarters in excess of 35 days - where a lower allowance is paid after 35 days.

Allowances payable under (i), (ii) and (iii) differ depending on the location to which the teacher is travelling.

b) The rates of allowances are adjusted in line with those in the public sector and are notified by circular. [Click here to access the latest rates](#).

c) All claims for meals and actual expenses must be accompanied by receipts.

1.8.2.2 **Accommodation Expenses for Itinerant Teachers**

a) Irrespective of their period of absence from headquarters, itinerant teachers in country districts whose duties necessitate their overnight absence from headquarters may claim the rates prescribed in *Determination 24*, i.e. rates after 35 days.

b) If the actual cost of accommodation necessarily incurred exceeds the allowance payable, payment of the additional amount will be considered on production of receipts and an assurance that cheaper, reasonable accommodation was not available.

c) An itinerant teacher who is required to be absent from headquarters overnight for the purpose of giving demonstrations to other teachers may claim an allowance in terms of *Determination 23*. 
1.9 Claims for Damage to Private Motor Vehicles and Loss or Damage to Personal Property

Information in relation to claims for loss of or damage to personal property and use of private motor vehicle by staff, parents and students is available on the Department's internet site. Click here to access the appropriate Legal Issues Bulletin.
## 2 Staff Welfare

### 2.1 Staff Welfare

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### 2.3 Guidelines for Staff Support Following Serious Incidents

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2.1 Staff Welfare

2.1.1 Introduction

a) The Department is committed to developing a positive climate in workplaces, enhancing staff morale and promoting harmonious working relationships that are conducive to effective teaching and learning.

b) To meet this commitment, the Department has introduced important initiatives aimed at providing a welfare service for staff in Departmental workplaces. These initiatives include the establishment of Staff Welfare as a component of the Occupational Health, Safety and Rehabilitation Unit in State Office, the appointment of staff welfare officers to each district and state office, the provision of an Employee Assistance Program (EAP) to eligible staff and training and development courses aimed at assisting in the personal and professional development of staff.

c) In addition, the Department has developed guidelines to assist schools to take appropriate action to prevent and respond to a serious incident which occurs in a school or at a major school activity in a non school location. Examples of serious incidents that may require a response include violence between students, the assault of a student or staff member, the death of a student or staff member or a natural or other major disaster in the community.

d) To ensure staff are receiving appropriate welfare services and support, the Department continuously reviews its welfare policies and procedures.

2.1.2 Provision of Welfare Services

Welfare services provided in each district include:

- a staff welfare officer;
- a personnel support officer;
- an Employee Assistance Program for eligible staff; and
- publications on a range of welfare issues e.g. conditions of employment, salary etc.

2.1.3 Role of Staff Welfare Officer

a) The major role of the staff welfare officer is to provide information and assistance to staff with regard to work related issues.

b) In addition, the staff welfare officer provides:

- advice on conflict prevention and resolution procedures for all staff in the district;
- a mediation service for the resolution of complaints and grievances or advice on available mediation services;
- advice and support to principals on risk management and occupational health and safety (OH&S);
- co-ordination of rehabilitation programs to achieve an early return to work for workers who have an injury or illness;
- or co-ordinates training in OH&S (for OH&S committee members or OH&S representatives), risk management and other welfare and OH&S related matters.
2 STAFF WELFARE

• co-ordination of referrals to HealthQuest in accordance with the Department’s HealthQuest Guidelines; and

• advice on adjustments in the workplace for staff who have special needs.

c) Staff welfare officers undertake school visits to meet with staff and respond to calls from individual staff members and provide assistance where possible.

d) The staff welfare officers also identify trends in welfare related issues and develop strategies to address these issues. Staff welfare officers may liaise with the NSW Teachers Federation welfare officers.

2.1.4 Role of Personnel Support Officer

a) The role of the personnel support officer is to provide advice on staffing policies and conditions of employment to staff in the district eg transfer and promotion procedures, staff efficiency procedures, retirement procedures, probationary teacher procedures and information on the deferred salary scheme and flexible salary packaging.

b) Personnel support officers also undertake a role in recruitment processes, the management of Teacher Assessment and Review Schedule reports, the administration of workers’ compensation claims and the management of leave records including reimbursement of any time lost for an accepted workers’ compensation claim.
2.2 Employee Assistance Program

2.2.1 Employee Assistance Program (EAP)

a) The EAP is a voluntary, confidential, free counselling service provided by the Department to assist eligible staff experiencing work related and personal problems.

b) These problems may include relationship or family issues, interpersonal conflicts, alcohol and other drug problems, financial and gambling difficulties, emotional stress, harassment related to sex, race, religion or physical appearance, trauma and post traumatic shock, grief and bereavement.

2.2.2 Eligibility for the EAP

Permanent and temporary teachers in schools, district office and state office locations are eligible to access the EAP services.

2.2.3 Services Available Under the EAP

a) Services available under the EAP include:
   • individual face to face or telephone counselling;
   • group counselling;
   • support and counselling following a serious incident;
   • 24 hour crisis service;
   • assistance to principals and managers; and
   • home or work visits if appropriate.

b) Staff may be provided with up to six hours of free counselling in any consecutive two year calendar period commencing from 1 December 2000. School principals may also access up to three hours of free consultations to deal with difficult situations in the workplace in any consecutive two year calendar period commencing from 1 December 2000.

2.2.4 Access to the EAP

a) Both self referral and supervisor referral are encouraged, while maintaining the voluntary and confidential nature of the program.

b) To access the EAP staff should:
   • refer themselves to counselling - there is no need for the staff member to advise anyone or ask for approval;
   • telephone the provider for the district or state office location in which they work; and
   • make an appointment outside of work hours.

2.2.5 Further Information

Brochures providing contact information for EAP providers for each district and state office location are available in all schools and from staff welfare officers. This brochure is also available on the Department’s intranet site at: http://detwww.det.nsw.edu.au/directorates/personnel/eed/eapbroch.pdf. Staff with other questions relating to the EAP should telephone their staff welfare officer.
2.3 Guidelines for Staff Support Following Serious Incidents

2.3.1 Introduction

a) The Department is committed to ensuring the safety and welfare of staff and students affected by a serious incident. This includes the provision of support and counselling, immediately and in the longer term.

b) These guidelines will assist schools in providing the appropriate support when a serious incident occurs. These procedures should be read in conjunction with Guidelines for Schools and TAFE Colleges and Campuses, Management of Serious Incidents which was issued in 2000 and is available on the Department’s internet site at: http://www.det.nsw.edu.au/policies/index.htm.

c) The provision of counselling is a key aspect in the successful management of serious incidents.

d) The degree of understanding and support within the period following a serious incident influences the long term impact of incidents. Access to appropriately qualified counselling personnel is part of the support needed. These personnel can be either internal or external providers. EAP providers may be used to provide counselling for staff individually or in groups.

e) Some individuals may require ongoing counselling after initial assistance. Individual trauma counselling provides the opportunity to work through the normal grief processes on a one to one basis. District superintendents and staff welfare officers can provide advice about access to trauma counselling services. A list of support services is provided in Section 13.2.

2.3.2 Establishment of Serious Incident Committee

a) Appropriate planning for the prevention and management of serious incidents at a school and at school activities which are conducted at non school locations is a key means of ensuring the safety and welfare of staff and students. Schools should establish a Serious Incident Committee to assist the principal in this role. The responsibilities of the committee include:

- developing, in consultation with staff, an effective Serious Incident Management Plan;
- advising staff and students of planned procedures such as emergency evacuation procedures;
- undertaking risk management;
- assessing situations which may require emergency action;
- analysing requirements to address these situations;
- liaising with all relevant emergency services;
- ensuring all emergency numbers are displayed in prominent locations;
- facilitating the provision of counselling services where necessary;
- organising practice drills to test the Serious Incident Management Plan;
- assisting the workplace manager with all aspects of the implementation of the Serious Incident Management Plan including distribution and communication of the Plan to new and current staff and ensuring all staff understand the Plan;
• arranging relevant training and development activities for staff, where necessary; and
• regularly evaluating the Serious Incident Management Plan, including after each serious incident or practice drill.

b) Guidelines for Schools and TAFE Colleges and Campuses, Management of Serious Incidents contains further information for Serious Incident Committees.

2.3.3 Action to be Taken by Principal and Key Personnel

a) The following guidelines along with any specific procedures in the school’s Serious Incident Management Plan should be used by the school when a serious incident has occurred.

b) The successful management of serious incidents depends on the taking of appropriate action and providing support during and after the incident.

Immediately
- assess the situation; and
- ensure safety and welfare of staff and students and arrange first aid and emergency services if needed.

During the first 24 hours
- notify the district superintendent
- ring the Department’s State Office on (02) 9561 1216 in the event of an urgent serious incident;
- notify the WorkCover Authority where the serious incident has caused death or serious personal injury to a person at the school;
- were appropriate, ensure the equipment and area where the serious incident has taken place is not further disturbed;
- organise debriefing with all relevant persons for the purpose of updating them on the incident situation and for discussion of personal issues and concerns;
- arrange support and counselling as needed;
- work with the media;
- keep staff, students and parents informed; and
- complete and forward a Serious Incident Report to the district superintendent.

Within 24 - 72 hours
- provide opportunities for staff and students to talk about the incident with counsellors;
- provide support to staff and helpers;
- ensure all relevant persons are kept up to date with information;
- debrief all relevant persons;
- restore normal functioning and service delivery; and
- keep parents and the community informed.

Within the first month
- arrange a memorial service, if appropriate;
- where appropriate, encourage parents to participate in meetings to discuss students’ welfare;
- identify ongoing behavioural change which may indicate the necessity for counselling or referral and, where appropriate, refer students to the school counsellor or the district guidance officer. Staff should be referred to the EAP provider. NSW Health area contacts can also assist;
- continue to ascertain the progress of hospitalised staff or students; and
- be aware that the physical and mental health of helpers may be affected and provide appropriate support.
In the longer term - identify ongoing behavioural change among staff and students, which may indicate a need for specialised treatment - refer as appropriate (for schools, through the Department’s EAP or the District Guidance Officer); - provide support if needed; - consider including grief and/or loss as a topic of study or discussion in appropriate courses or class sessions; and - plan for and be sensitive to the disturbing influences of anniversaries, inquests and legal proceedings.

2.3.4 Violence (This section is currently under review)

a) If an incident of violence occurs in a school or during school activities at a non school location, it is essential that the safety and welfare of staff and students are addressed. This includes the provision of support and counselling immediately and in the longer term. Schools may also find the kit Resources for Teaching Against Violence (issued to all schools in 1996) and Strategies for Safer Schools are useful resources in developing strategies to prevent violence and in dealing with situations where an incident of violence has occurred.

b) If an incident of violence occurs, the principal and other key personnel should:
   - ensure appropriate intervention to minimise additional injury (contact emergency services if necessary);
   - attend to any persons injured - provide emergency first aid;
   - move staff and students not involved to a safe area;
   - advise staff and students to remain calm;
   - provide a private space for distressed staff, students and visitors to gather;
   - identify an appropriate staff member to speak to distressed visitors such as parents arriving at the school to seek information after the incident;
   - avoid any action which may provoke an incident resulting in death or injury to staff and students; and
   - undertake appropriate steps outlined in the recovery time line (see Section 2.3.3, Action to be Taken by the Principal and Key Personnel).

c) In addition, staff may wish to contact their district staff welfare officer or NSW Teachers Federation welfare officer to discuss issues of concern.

2.3.5 Other Support

a) Further information regarding prevention and management are available in:
   - Guidelines for Schools and TAFE Colleges and Campuses, Management of Serious Incidents; and
   - The school’s Serious Incident Management Plan.

b) As well as availing themselves of the processes outlined in these guidelines staff may wish to contact their staff welfare officer or NSW Teachers Federation welfare officers to discuss issues of concern or entitlements such as leave and workers’ compensation.
3 Complaint Resolution Procedures

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3.1 Responding to Suggestions, Complaints and Allegations

a) In response to requests from staff and community groups, the Department has rationalised and brought together in a single document the procedures for managing suggestions and complaints. The procedures are titled *Responding to Suggestions, Complaints and Allegations* and apply from 23 April 2001.

b) Suggestions and complaints are valuable as they enable staff to address concerns and improve the quality of service. These procedures promote fairness and ensure that complaints are treated according to the nature and seriousness of the issue. They encourage all staff to participate in systems improvement.


d) There are certain circumstances in which the procedures do not apply, for example, the management of staff performance and efficiency; reporting risk of harm concerns about children and young people which do not involve departmental staff or a person associated with a departmental activity; and industrial disputes. The “Exclusions” section of the procedures provides additional information on the issues that are not covered by the procedures.

e) The Department’s Anti-discrimination Policy is currently being revised. Pending finalisation of the revised policy, the anti-racism grievance procedures as set out in section 3.2 will continue to apply.
3.2 Anti-racism Grievance Procedures

The Department’s Anti-discrimination Policy is currently being revised. Pending finalisation of the revised policy, the anti-racism grievances procedures as set out in this section will continue to apply.

3.2.1 Introduction

a) The NSW Department of Education and Training rejects racism in all its forms. It is committed to the elimination of racial discrimination - including direct and indirect racism, racial vilification and harassment - in its organisation, structures and culture, in its curriculum and in the learning and working environments for which it is responsible.

b) The Department will ensure that all employees understand and fulfil their responsibilities in implementing the anti-racism policy and these grievance procedures. This will be done through the provision of support and, if necessary, appropriate disciplinary sanctions.

c) From time to time, staff, students, parents or community members may have complaints about racist incidents or racist practices in schools or other areas of the Department. The Department is committed to fair and speedy resolution of all such complaints. Wherever possible, they will be resolved at the local level and with the maximum of confidentiality.

d) These guidelines set out the procedures to be used to resolve complaints about racism. They complement the Department’s anti-racism policy. While these internal procedures will resolve most complaints, those involved retain their right to seek the intervention of external bodies such as the Anti-Discrimination Board and the Ombudsman.

3.2.2 Making a Complaint

a) Any person or group of people with a complaint should seek assistance from the nominated anti-racism contact officer in their workplace. The person or group of people making the complaint should have either directly experienced or observed the alleged racist behaviour or practice.

b) They may approach any staff member to help them bring their complaint to the contact officer. A parent/guardian may lodge a complaint on behalf of their child.

c) The nominated contact officer will:

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\times \quad \text{obtain the details of the complaint and take careful notes;} \\
\times \quad \text{inform the person(s) making the complaint of:} \\
\times \quad \text{i) the process by which the complaint will be investigated and the confidential nature of that process;} \\
\times \quad \text{ii) their right to be protected from victimisation for making the complaint;} \\
\times \quad \text{iii) their right to approach an external body such as the Anti-Discrimination Board or Ombudsman.} \\
\hline
\end{array}\]

3.2.3 Investigating the Complaint

a) The contact officer will immediately refer the complaint to a member of the school executive or senior officer for action.
b) The executive staff member or senior officer together with the contact officer will:

- interview the person(s) who made the complaint and any other person who may be able to assist the investigation;
- interview the person or group against whom the complaint is made and inform them of the investigation process and their rights;
- if appropriate, seek resolution of the issue by conciliation to the satisfaction of all parties;
- prepare a written report for the principal or other senior officer. If the principal or the senior officer is the subject of the complaint, or if the complaint is about school wide practices, the report should go to the district superintendent and the assistant director-general.

c) This report must be made within five working days of the contact officer receiving the complaint. If resolution through conciliation has not been possible, the report will include a clear recommendation on what action is to be taken.

d) Any of the parties involved in the above interview and conciliation process may bring another person to the meeting for support and should be made aware of this well ahead of time. Community groups should be represented by no more than two people, in addition to the person(s) making the complaint. Where any of the persons involved is of non-English speaking background or is hearing impaired, access to a professional interpreter must be offered.

3.2.4 Making a Decision

The principal or other senior officer as appropriate will:

- Decide on appropriate action. This may include a further attempt to resolve by conciliation.
- Advise all parties of the action and the reasons for it. The action taken may include:
  - provision of a support program;
  - requiring staff to participate in an anti-racism development program;
  - formal disciplinary action;
  - dismissal of the complaint as groundless.

For employees:

- provision of a student welfare program including, as appropriate, a stronger emphasis on anti-racism perspectives in the school’s overall curriculum;
- disciplinary action within the context of the school’s Fair Discipline Code;
- dismissal of the complaint as groundless.

Advise the person(s) who made the complaint and any individual(s) found to have acted in a racist manner, of their right to appeal and how to do so.

3.2.5 Appeal

a) Should the person(s) making the complaint, or the person(s) found to have acted in a racist manner, be unhappy with the decision, they may appeal to the next most senior officer within twenty working days. For example, if the decision was made by a principal, appeal can be made to the district superintendent.
b) Officers dealing with an appeal will:

X review all the available material;

X discuss the issues with the person making the appeal and any other relevant parties as appropriate;

X attempt to resolve the complaint through further conciliation and if this is not possible, determine a course of action;

X advise all parties of the decision and the reason for it;

X deal with the appeal within ten working days.

3.2.6 Further Action

The principal or other senior officer will be responsible for regular monitoring of the situation to ensure that the recommended actions are implemented.
4 Leave Provisions

4.1 General

4.2 Adoption Leave

This section of the Handbook is currently being updated with details of the enhanced leave provisions. The updated section will be made available as soon as possible. In the meantime any questions you may have can be referred to the appropriate Employee Services Centre.

Teachers in Hunter & Central Coast; New England; North Coast; Northern Sydney; Western Sydney Regions
Contact: Newcastle - Employee services 1300 338 001

Teachers in Illawarra & South Coast; Riverina; South Western Sydney; Sydney; Western NSW Regions
Contact: Wollongong - Employee services 1300 338 002

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4.8.28 Long Service Leave (Extended Leave)

This section of the Handbook is currently being updated with details of the enhanced leave provisions that will allow the granting of long service leave (extended leave) after 7 years of completed service
and the taking of long service leave (extended leave) at double pay. In the meantime any questions you may have about the new provisions can be referred to the appropriate Employee Services Centre.

Teachers in Hunter & Central Coast; New England; North Coast; Northern Sydney; Western Sydney Regions
Contact: Newcastle - Employee services 1300 338 001

Teachers in Illawarra & South Coast; Riverina; South Western Sydney; Sydney; Western NSW Regions
Contact: Wollongong - Employee services 1300 338 002

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This section of the Handbook is currently being updated with details of the enhanced leave provisions. The updated section will be made available as soon as possible. In the meantime any questions you may have can be referred to the appropriate Employee Services Centre.

Teachers in Hunter & Central Coast; New England; North Coast; Northern Sydney; Western Sydney Regions
Contact: Newcastle - Employee services 1300 338 001

Teachers in Illawarra & South Coast; Riverina; South Western Sydney; Sydney; Western NSW Regions
Contact: Wollongong - Employee services 1300 338 002

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#### 4.12 Paternity Leave

This section of the Handbook is currently being updated with details of the enhanced leave provisions. The updated section will be made available as soon as possible. In the meantime any questions you may have can be referred to the appropriate Employee Services Centre.

**Teachers in Hunter & Central Coast; New England; North Coast; Northern Sydney; Western Sydney Regions**  
Contact: Newcastle - Employee services | 1300 338 001

**Teachers in Illawarra & South Coast; Riverina; South Western Sydney; Sydney; Western NSW Regions**  
Contact: Wollongong - Employee services | 1300 338 002

### 4.13 Sick Leave

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4.1 General

The following sections contain policy and procedures on the leave entitlements of permanent teachers.

Information on temporary teacher’s leave entitlements can be found in Chapter 8.

Casual teachers should read Chapter 9 for information on conditions of employment.

Teachers should be aware that when completing a leave form, the leave applied for should be stated in fractions of a day rather than hours.

When an absence involves part of a day, leave is granted for \( \frac{1}{4} \), \( \frac{1}{2} \) or \( \frac{3}{4} \) of a day, as appropriate. When calculating leave any period of up to and including:

- 1\(\frac{3}{4}\) hours is debited as one quarter of a day
- 3\(\frac{1}{2}\) hours is debited as one half of a day
- 5\(\frac{1}{4}\) hours is debited as three quarters of a day

For the purposes of leave calculations a full time day, is seven hours for all permanent (full time and part time) teachers.

**Online Leave Enquiry (Employee Self Service)**

Teachers can obtain leave balances via the Department’s online leave enquiry service at [www.schools.nsw.edu.au](http://www.schools.nsw.edu.au) (click on “Employment With Us” then click on “Leave”). Through this service teachers can review their leave history, check current leave balances, forecast future leave balances and view their service details.

This service complements leave advisory services provided by district personnel support officers and state office leave teams.

A username and confidential password is required to access this service and is issued in the form of a personalised letter resembling a pay advice slip and marked “Online Leave Enquiry Service”.

Enquiries regarding access to the service should be directed to Teacher Services Unit, Newcastle State Office.
4.2 Adoption Leave

This section of the Handbook is currently being updated with details of the enhanced leave provisions. The updated section will be made available as soon as possible. In the meantime any questions you may have can be referred to the appropriate Employee Services Centre.

Teachers in Hunter & Central Coast; New England; North Coast; Northern Sydney; Western Sydney Regions
Contact: Newcastle - Employee services ☏ 1300 338 001

Teachers in Illawarra & South Coast; Riverina; South Western Sydney; Sydney; Western NSW Regions
Contact: Wollongong - Employee services ☏ 1300 338 002
4 LEAVE PROVISIONS

4.3 Annual Leave Loading

4.3.1 General

a) When proceeding on annual leave, NSW government employees receive a special loading in addition to their normal salary.

b) In the case of teachers, payment of annual leave loading is determined as though they are eligible to accrue four weeks annual leave.

4.3.2 Eligibility and Entitlement

a) Teachers who complete twelve months continuous service as at 30 November are entitled to an annual leave loading equivalent to 17½% of four weeks normal salary, provided that payment cannot exceed the loading calculated on the maximum salary for a Clerk, Grade 12 in the public service.

b) In the case of teachers with less than twelve months service as at 30 November, entitlement is calculated on a pro rata basis.

4.3.3 Effect of Leave on Entitlement

a) Full pay leave and all workers’ compensation leave count as full service and accrue annual leave loading.

b) Leave on half pay will only accrue annual leave loading for half the total number of days of absence e.g. if a teacher takes 40 days long service leave on half pay only twenty days will accrue annual leave loading.

c) All categories of leave without pay and unauthorised absences will not count as service and do not accrue annual leave loading.

d) Teachers who take leave without pay during a school year and who have established an entitlement to vacation pay in the midsummer vacation, are entitled to pro rata payment for annual leave loading. Payment will be made as soon as possible after 30 November in the year in which the entitlement falls due.

e) Teachers on temporary release to outside bodies are entitled to a pro rata payment based on service with this Department. Any balance of the leave loading is payable by the outside body.

4.3.4 Calculation and Payment

a) For the purpose of calculating annual leave loading, the leave year commences on 1 December of each year and ends on 30 November of the following year.

b) Payment, based on a teacher’s salary rate as at 1 December is automatically paid as early as practicable in December each year.

c) With the exemption of the allowances listed in d) below, all allowances which are paid to a teacher on 1 December are included in the salary rate.

d) The following allowances do not attract annual leave loading:

- climatic and disability allowances;
- Lord Howe Island allowance;
- principals’ expense allowance;
• incentive based allowances
• relieving allowance - except where the allowance is being paid at 30 November and has been paid for the preceding twelve months, or a teacher is appointed to relieve in a position for a whole school year. A whole school year is regarded for the purposes of this section as referring to the period from January to December in a year.

4.3.5 Broken Service

Broken service does not attract annual leave loading. If a teacher resigns and is subsequently re-employed during the same year, only the service from date of re-employment is recognised for annual leave loading purposes.

4.3.6 Relief Teaching

All relief casual teaching undertaken while a teacher is on leave without pay or unpaid maternity leave accrues annual leave loading.

4.3.7 Payment on Resignation or Retirement

a) Where the effective date of resignation or retirement is on or after 1 December, teachers are eligible for payment of annual leave loading based on service up until 30 November.

b) No pro rata payment is made where the effective date of resignation or retirement is prior to 1 December.
4.4 Deferred Salary Scheme

a) The deferred salary scheme is a five year scheme whereby participants electing to join the scheme will defer part of their salary for the first four years of the scheme and will be paid the deferred salary in the fifth year (the deferred salary leave year).

b) The purpose of the scheme is to allow participants to take a year away from their position in the Department for professional development and renewal experiences such as industry experience, post graduate study, working in overseas education systems or other activities.

c) The deferred salary scheme applies to permanent teachers. Temporary and casual school teachers are not eligible to join the scheme.

d) The full policy on the deferred salary scheme can be accessed on the Department’s intranet site at: http://www.intranet.schools.nsw.edu.au/staff/F5.0/defsalry.pdf.
4 LEAVE PROVISIONS

4.5 Family and Community Service Leave and Personal Carer's Leave

4.5.1 General

Family and community service leave replaces former short leave provisions. Teachers can utilise family and community service leave to meet a range of family activities and community service responsibilities. This could include a need to respond to an emergency situation or in the event of planned absences for family and community service responsibilities where some advance notice is given.

Family and community service leave to credit may be granted for family and community activities and responsibilities for which the teacher certifies that there is sufficient need to absent themselves from work.

Family and community service leave is available to permanent part time teachers on a pro rata basis other than teachers employed at Bradfield College and the Saturday School of Community Languages.

A teacher's eligibility for family and community service leave for family and community activities and responsibilities or in a case of pressing necessity will be determined in accordance with the definitions set out in Section 4.5.2 h).

The maximum amount of family and community service leave which may be granted to a teacher is:

- during the first twelve months of service, three working days; or
- after completion of twelve months of service, six working days in any period of two years; or
- alternatively, the entitlement calculated by allowing one day for each completed year of service, less the total amount of family and community service leave/short leave previously granted during a teacher’s service.

Where family and community service leave has been exhausted, additional paid family and community service leave of up to two days may be granted on a discrete ‘per occasion’ basis to a teacher on the death of a family member. For the purposes of this section a ‘family member’ means a class of person as defined in Section 4.5.2 h).

Teachers who apply for a period of leave that exceeds the maximum entitlement to family and community service leave may be granted leave without pay or long service leave to credit.

4.5.2 Use of Sick Leave to Care for Dependants

"Under Review" as a result of reforms arising from the 2009 teachers’ award outcome
4.6 Leave in the Case of Natural Emergencies

4.6.1 Teachers who are unable to attend their own or another school because of floods, snowfall, bushfires or other natural emergencies may be granted family and community service leave.

4.6.2 Should a teacher exhaust their family and community service leave entitlement as a result of a natural emergency, consideration may be given to grant additional family and community service leave in the event of another natural emergency arising.
4.7 Leave for Sporting Fixtures

a) Leave to participate in sporting fixtures is available to teachers who participate in major amateur sporting activities at the highest level.

b) The category and amount of leave is determined by the status of the particular event in which the teacher is participating.

c) Family and community service leave to credit may be used in conjunction with or in lieu of any of the following leave types.

4.7.1 Leave for Local Competitions

a) Leave of absence without pay which counts as service for incremental purposes, or if available, long service leave to credit, may be granted to a teacher who is selected to compete in any of the following amateur fixtures:

- a representative fixture immediately leading to interstate or international honours in athletics or any major sport; or
- a combined country versus combined city fixture which may lead to interstate honours; or
- in Country Week major amateur sporting fixtures which could result in the teacher gaining State or Australian representative honours; or
- to participate in an internal sporting fixture as the representative of a sporting club.

b) A teacher who competes as a member of an inter-district team at the highest grade or level may be granted leave as follows:

- the teacher must be competing in a major sport at the highest grade or level and may be either an amateur or, in this instance only, a professional competitor;
- the period of absence is without pay or if available, long service leave to credit;
- in general, leave is for a maximum of two months. Applications for leave in excess of two months will be considered on their merits;
- leave of this nature will only be granted once in any period of five years;
- leave without pay of less than six months will count for long service leave purposes when the teacher has completed ten years credited service;
- leave without pay in excess of six months will not count for long service leave purposes;
- superannuation requirements for teachers who are contributors to a State Government Superannuation scheme will be the same as for Leave Without Pay. See Superannuation, Chapter 12 for details.

4.7.2 Leave to Represent Australia

a) Where the sporting fixture is held in Australia, teachers selected to represent Australia as a competitor, coach or team manager of a major amateur sporting team may be granted up to twenty days special leave on full pay in any period of twelve months.
4 LEAVE PROVISIONS

4.7.3 Leave to Represent a State

Teachers selected to represent a State, irrespective of whether the fixture is held within or outside Australia, may be granted up to five days special leave as outlined under 4.7.2 a) to d).

4.7.4 Leave to Represent Australia Overseas

a) Where the sporting fixture is held overseas, a teacher selected to represent Australia as a competitor, coach or team manager may be granted up to 20 days full pay special leave in any period of twelve months.

b) This leave, which can be taken in separate parts, is available for the period of the fixtures, plus reasonable travelling time.

c) Where the period outlined in a) above is insufficient, leave without pay which counts for incremental purposes or, if available, long service leave may be granted.

d) This leave is only granted to represent a national organisation which is considered eligible to wear the Commonwealth Coat of Arms.

e) A letter from the national sporting body confirming selection and the dates of the tour or fixture must accompany the application for leave.

f) As indicated in a) above this leave is only available once in any period of twelve months. However, where a teacher is also selected to represent Australia at the Commonwealth or Olympic Games, an additional 20 days full pay special leave may be granted within the 12 month period for this purpose.

4.7.5 Leave for Officials of Children’s International Sporting Events

a) Teachers selected by the official governing body of a particular school children’s sport, as either coach or team manager of a representative school children’s sporting team participating with the prior approval of the Director-General of Education and Training in an official international event or tour either in Australia or overseas may be granted special leave on full pay.

b) Special leave is only available for the period of the fixture or tour, plus reasonable travelling time on full pay, where necessary.

c) Other officials may be granted leave without pay which counts for incremental purposes or if available long service leave to credit.
4.8 Leave Without Pay

4.8.1 General

a) Teachers may be granted leave without pay for any period if good and sufficient reasons are applicable.

b) Generally, leave without pay will not be granted for short periods immediately before or after school vacations.

c) Leave without pay will not be granted in order to take up a teaching position with a NSW private or independent school.

d) Generally, leave without pay excluding five consecutive days in any incremental year does not count as service for salary increments.

e) A total of more than five days leave without pay in any school year will result in a reduction of vacation leave on a pro rata basis.

f) Where a period of leave without pay, inclusive of Saturdays and Sundays does not exceed six consecutive days, salary is paid for the weekend.

g) Where a period of leave without pay does not exceed fourteen consecutive days, salary is paid for any public holidays occurring during the period.

h) The following chart shows the effect on weekends and public holidays of a period of leave without pay taken following a form of half pay leave.

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<td>Half pay</td>
<td>Full pay</td>
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<tr>
<td>No pay not exceeding fourteen days (following half pay not exceeding fourteen days)</td>
<td>No pay</td>
<td>Full pay</td>
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<td>No pay not exceeding fourteen days (following half pay exceeding fourteen days)</td>
<td>No pay</td>
<td>Half pay</td>
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<td>No pay exceeding fourteen days</td>
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4.8.2 Categories of Leave Without Pay

a) The most common circumstances for granting leave without pay is for personal reasons but there are many other categories of leave without pay which teachers may be granted.

b) The various categories of leave without pay and the conditions under which leave may be approved are distinct and separate from the provisions in respect of leave without pay for personal reasons.

c) Provisions for other categories of leave without pay follow those for personal reasons.
4.8.3 Leave Without Pay for Personal Reasons

4.8.3.1 Entitlement

a) Leave without pay for personal reasons is the category of leave granted to teachers who wish to take an extended absence from teaching.

b) Leave without pay for personal reasons such as travel interstate or overseas or for child rearing purposes is generally limited to a maximum of three years in a teacher’s career.

4.8.3.2 Eligibility

a) A minimum of two years current continuous permanent service, excluding temporary or casual service, must be completed before teachers are eligible to apply for leave without pay for personal reasons.

b) Following completion of a one year traineeship with financial assistance to undertake a District School Counsellors Course, Special Education Course, Teacher Librarian Course or other similar courses, teachers must serve for three years or as otherwise stated in the relevant deed of agreement before being eligible to apply for leave without pay for personal reasons.

c) A minimum of two years must elapse between each period of leave without pay for personal reasons.

d) Generally, a teacher whose service is unsatisfactory will not be granted leave without pay for personal reasons.

4.8.3.3 Conditions

a) Unless there are special circumstances an application for leave is to be submitted three months in advance and must state the first and last date of leave. Teachers seeking to proceed on leave on day 1 of term 1 are to submit their leave application three months prior to the end of the school year.

b) With the exception of any period of relief teaching undertaken with the NSW Department of Education and Training, any period of teaching service completed while on leave without pay for personal reasons does not count for incremental purposes.

c) One increment for child rearing purposes may be granted to a teacher who has taken three years leave without pay for personal reasons. Credit in these circumstances is granted for full time child rearing before the child attains six years of age or is enrolled in full time schooling, whichever is the earlier.

d) A period of leave without pay exceeding six months does not count as service for long service leave purposes.

e) A period of leave without pay of less than six months will count as service for long service leave purposes when a teacher has completed at least ten years paid service.

f) Teachers are eligible to take a combination of leave without pay and long service leave. The long service leave must precede the leave without pay except in the case where the leave is being taken prior to resignation or retirement. Irrespective of teachers’ entitlements, they do not have to exhaust accrued long service leave prior to the commencement of leave without pay.
g) In the case of a teacher on leave without pay for personal reasons, who becomes pregnant and whose anticipated date of birth falls within the approved period of leave, from the date the teacher advises of her pregnancy the remainder of the approved leave without pay or a period of twelve months, whichever is less, will not be debited against the total amount of leave without pay for personal reasons.

A teacher whose anticipated date of birth falls outside the approved period of leave is entitled at the end of the leave without pay to proceed to maternity leave.

4.8.3.4 Duration of Leave

As a general rule, leave without pay for personal reasons should only be taken for the minimum period of one school year.

4.8.4 Right of Return

a) All teachers who conform to the terms of leave granted, have a right of return to the Education Teaching Service.

b) Teachers who occupy promotions positions who are granted leave without pay of up to one school year (term 1 – term 4 in any year) will retain the right of return to their position in the school.

c) Classroom teachers who are granted leave without pay of up to one school year (term 1 – term 4 in any year) will retain the right of return to their position in the school. This will apply for the duration of the agreement between the NSW Department of Education and Training and the NSW Teachers Federation on staffing of NSW government schools.

d) Teachers who abut full time leave without pay to another form of full time leave may preserve their right of return to a position in a school provided that the total period of leave does not exceed one school year. For example a teacher on approved long service leave during terms 1 and 2 may only be granted the remaining two terms in that school year on leave without pay with right of return. A teacher granted long service leave during term 4 may not be granted right of return for leave without pay in term 1 the following year.

e) Teachers will not have right of return to their former position in a school if the total period of the leave, or extension of that leave, extends beyond the beginning of the following school year.

f) Teachers on a form of part time leave who have approval to abut this with leave without pay may preserve their right of return to a position in a school.

4.8.4.1 Resumption of Duty for Teachers With Right of Return

a) Teachers with right of return who wish to resume duty prior to expiration of approved leave must give at least one months notice in writing. Consideration of requests of this nature will take into account whether a replacement teacher has been engaged.

b) Teachers returning to duty following leave without pay should ensure that notification of their resumption is forwarded to Teacher Salaries and Teacher Services on the first day of duty.
4.8.4.2 Resumption of Duty for Teachers With No Right of Return

a) At least six weeks prior to the expiration of an approved period of leave, teachers wishing to resume duty who do not have right of return to their former position or school, must complete an application for promotion or transfer. The application must be sent to the appropriate staffing officer in the School Staffing Unit. If a position is not available the teacher should submit an application for further leave.

b) Teachers who are likely to expend their leave entitlement of three years without pay for personal reasons and wish to return to a substantive position are also encouraged to apply for advertised positions.

c) Teachers resuming duty from leave without pay have a priority for return to the locality of the school from which they were granted leave. Where a suitable position is not available the teacher may be offered an appropriate position in another adjoining district or granted an extension of leave.

d) Teachers who have expended their entitlement of three years leave without pay for personal reasons will be offered a position by the Department where a position is available.

e) If the position is on the teacher’s preference list or is at a school in the district or another adjoining district from which the teacher was granted leave, it is expected that the offer of reappointment will be accepted.

f) If the offer of reappointment is refused the teacher may be requested to resign and previously approved leave cancelled.

An offer of reappointment which is refused by a teacher will be considered on the basis of “reasonableness” before resignation is requested. Each case will be considered on its merits eg if the teacher has exceptional personal circumstances requiring their reappointment in a particular locality, a reasonable reappointment may be considered as one requiring the teacher to travel up to approximately one hour by motor vehicle from their home.

Failure to submit a resignation within fourteen days of refusal of a reasonable offer of reappointment or failure to respond to an offer of reappointment may be considered as an abandonment of employment.

g) When an offer of reappointment cannot be made, the teacher will be allowed on application, to proceed on leave without pay for personal reasons beyond the three year entitlement for a further period of up to twelve months pending an offer of reappointment.

Subsequent applications for leave without pay up to twelve months may be granted where an offer of reappointment cannot be made.

h) Teachers without right of return to their former position in the school who apply to cancel a period of leave without pay after the leave has been approved, will be considered for reappointment to their former position or school provided that a replacement teacher has not been appointed.

4.8.5 Relief Teaching While on Leave Without Pay

“Under Review” as a result of reforms arising from the 2009 teachers’ award outcome

4.8.6 Other Employment While on Leave Without Pay
4 LEAVE PROVISIONS

4.8.7 Further Application for Leave

a) Teachers with right of return must give at least three months notice if they wish to extend a period of leave without pay. Notice is to be given by way of submission of a further application for leave.

b) Teachers without right of return must give at least one months notice if they wish to extend a period of leave without pay. A further application or written request for leave should be submitted.

4.8.8 Resignation While on Leave Without Pay

a) Should a teacher decide to resign while on leave without pay, their last day of service will be the date nominated on the separation form as the effective date or the last date of the approved leave, whichever is the earlier.

b) See Chapter 11, Separation from the Service for details.

4.8.9 Superannuation

See Chapter 12, Superannuation for details.

4.8.10 Australian Volunteers International

a) Teachers who are selected for service with the Australian Volunteers International may be granted up to two years leave without pay to participate in this voluntary scheme.

b) A minimum of two years current continuous permanent service must be completed before teachers are eligible to apply for leave of absence.

c) An application for leave setting out the first and last date of absence should be accompanied by documentary evidence verifying selection for and the period of service with the Australian Volunteers International.

d) The period of absence will not count as service for long service leave purposes.

e) If participation in the program involves full time teaching, the period of teaching service will count for incremental purposes.

f) Teachers who are contributors to a state government superannuation scheme do not have to pay the employer’s contributions while on leave.

g) Payment of personal contributions will be subject to the requirements of the particular scheme. See Chapter 12 for information on superannuation.

4.8.11 Compassionate Reasons

a) In cases of emergency or compassionate circumstances, teachers may be granted leave without pay where a period of absence is required that is not covered by family and community service leave or where family and community service leave
entitlements are exhausted.

b) In special circumstances teachers may apply to take leave of absence without pay for the period necessary to provide full time medical care for a family member who is seriously ill.

c) Applications for leave in these circumstances will be considered on an individual basis and where appropriate should be accompanied by documentary or medical evidence.

4.8.12 Competitors in Eisteddfods or Choral Championships

Leave without pay not exceeding three days may be granted to teachers who are competitors in the City of Sydney or country Eisteddfods or interstate choral competitions.

4.8.13 Graduation Ceremonies

a) Where family and community service leave has been exhausted leave without pay may be granted for the time necessary for attendance at a graduation ceremony of a spouse, partner, son or daughter at a university or tertiary institution.

b) Applications for leave without pay to attend other graduation ceremonies will be considered on their merits.

4.8.14 Holy Days

Where family and community service leave has been exhausted and members of any religious faith apply for leave to observe the holy days of their faith, they may be granted leave without pay or leave as a charge against long service leave, if due.

4.8.15 Intrastate Transfers

a) Where a teacher’s spouse or partner who is not a teacher is transferred intrastate, leave without pay may be granted for up to three years.

b) Initially, an application for compassionate transfer, accompanied by documentary evidence regarding the spouse or partner’s transfer, should be submitted to the School Staffing Unit.

c) If no suitable vacancy is available, the teacher should then submit an initial application for leave without pay pending a vacancy.

d) A teacher in this situation may find it advisable to apply for six months leave without pay in the first instance. If no vacancy occurs during that time further applications for extensions of leave should be submitted until such time as the teacher is appointed.

e) Relief teaching may be undertaken while on leave without pay. The conditions of employment which apply in these circumstances are set out in Section 4.8.5.

f) Teachers who are contributors to a state government superannuation scheme should refer to Chapter 12 for information on superannuation.

4.8.16 Marriage Leave

a) Where, because of special circumstances, it is not possible to arrange to be married during school holidays, leave without pay may be granted. Generally leave will be restricted to ten working days.

b) The leave application, accompanied by all relevant information, should be submitted six weeks in advance.
4.8.17 Parliamentary Elections

4.8.17.1 State Elections

a) The conditions under which teachers may contest State Elections are prescribed by the Constitution (Public Service) Amendment Act 1916.

b) In accordance with the provision of the above Act it is not necessary to resign prior to the election but, if elected as a member of either house, the teacher must resign from the Education Teaching Service upon the declaration of the poll. The last day of service will be the date on which the teacher is declared elected.

c) In order to avoid potential conflict between political interests and the teachers employment, it would be preferable for the teacher to take leave in order to contest an election. Teachers may be granted leave without pay or long service leave, if due.

4.8.17.2 Federal Elections

a) The conditions under which teachers may contest Federal Elections are prescribed by the Public Service (Commonwealth Elections) Act 1943.

b) In accordance with the provisions of the above Act, teachers must resign before nominating for election to either house. The last day of service of a teacher contesting a Federal election must be no later than the day prior to the closing date for nominations.

c) If a teacher fails to be elected the resignation may be withdrawn and the teacher reappointed to their previous position provided:
   - the resignation took effect within three months of the date of the election;
   - the resignation stated an intention to contest the election; and
   - the teacher makes written application for reappointment within two months of the declaration of the poll.

d) If the resignation is withdrawn the period between the dates of resignation and reappointment will subsequently be granted as leave without pay or the teacher may elect to be paid long service leave, if due, for the whole or part of the above period.

4.8.18 Private Business

a) Leave of absence will not be granted for private business except in very urgent cases. If leave is granted it is without pay.

b) Applications for leave should be forwarded as early as possible and the nature of the business must be stated in support of the application.

4.8.19 Sporting Fixtures

a) Various categories of leave, including leave without pay may be granted to teachers to participate in sporting fixtures.

b) See Section 4.7, Leave for Sporting Fixtures for details.

4.8.20 Sporting, Cultural or Educational Association Meetings
Where a teacher holds office in a recognised sporting, cultural or educational association either at the State or National level, and is required by that association to attend regular meetings during normal school hours, then leave without pay or long service leave to credit may be granted provided that:

- the State or National body on which the teacher holds office is the controlling body and is not an affiliated group;
- applications for leave are accompanied by documentary evidence verifying the necessity for holding the meeting during school hours.

4.8.21 Subpoenaed or Called as a Witness

a) Teachers subpoenaed or called as witnesses, other than by the Crown, shall be granted leave without pay or long service leave to credit for the period they are necessarily absent from duty.

b) Any monies paid to a teacher as a witness may be retained.

c) Teachers subpoenaed or called as a witness in their official capacity are deemed to be on duty.

d) Teachers subpoenaed or called as a witness by the Crown shall be granted special leave. See Section 4.14, Special Leave for details.

4.8.22 NSW Teachers Federation

4.8.22.1 Appointment to Administrative Positions

The following conditions apply to teachers elected to full time administrative positions with the NSW Teachers Federation:

a) Leave Without Pay

i) A teacher may be granted a maximum of six years leave without pay to accept an administrative position with the Federation.

The six years limit refers to a single period of service and is not cumulative. This would be extended, in the instance of an officer being elected at a by-election after the beginning of a triennial term of office, for the balance of that triennial period.

ii) Leave without pay granted to accept an administrative position will be regarded as distinct and separate from other types of leave without pay such as leave without pay for personal reasons or leave to relieve as a Federation officer.

iii) Leave without pay granted for this purpose will count for incremental progression on resumption of duty in the teaching service.

iv) A teacher who accepts an administrative position with the Federation for more than six consecutive years must resign from the Education Teaching Service. This would be extended, in the instance of an officer being elected at a by-election after the beginning of a triennial term of office, for the balance of that triennial period.

v) Leave without pay for personal reasons to continue as an officer in the Federation will not be approved.

b) Superannuation Contributions
As the Federation is an employer in accordance with Schedule 111 of the State Superannuation Act 1916, the Federation will be responsible for payment of at least the employer’s current liability for superannuation contributions throughout the total period of the teacher’s leave without pay.

c) Application for Re-Appointment by Teachers Defeated at Election

i) Teachers granted leave without pay who seek election but are defeated or who do not seek re-election must apply to return to schools and must make application for reappointment as soon as possible. For this purpose the six year limit will be flexible to allow sufficient time for notification of election results and the timing of the teacher’s return to duty.

ii) A teacher in the above situation who does not wish to immediately return to the Education Teaching Service may seek leave without pay for personal reasons (if they have sufficient leave to credit) providing this meets departmental convenience. Applications for leave should be submitted to Teacher Services.

iii) In line with current policy concerning teachers who are granted leave without pay for personal reasons, teachers on leave without pay elected to administrative positions with the Teachers Federation who are seeking re-appointment with the Department will be guaranteed an appointment at the expiration of the leave without pay subject to the availability of a suitable position.

d) Long Service Leave

i) Where a teacher is granted leave without pay to accept an administrative position with the Federation, the leave will not initially count for long service leave purposes.

ii) In the case of teachers who return to the Education Teaching Service at the expiration of this leave, the Federation will be responsible for meeting the full (or pro rata cost for teachers with less than ten years) cost of the long service leave accrued during the period of leave without pay. The cost will be calculated at the salary rate applicable at the time of the teacher’s return to the Education Teaching Service. The period of leave without pay will then be counted as service for long service leave purposes.

This provision will not apply for any period of leave without pay for personal reasons approved as per c) ii) above.

iii) In the case of teachers who resign or retire during or at the expiration of the period of leave without pay with the Federation, no recoup will be carried out and the Federation will be responsible for making payment direct to the officer for the long service leave accrued during the period of leave without pay.

iv) A teacher who retires or resigns during or at the expiration of the period of leave without pay with the Federation will be paid any long service leave for service with the Department at the salary rate which would have been paid by the Department had the officer remained a teacher.

v) A teacher’s incremental salary on retirement or resignation will be adjusted if the period of leave without pay with the Federation would in itself have led to incremental salary progression. The teacher will
need to resume duty to be eligible for the salary increment, and long service leave entitlements will be paid in accordance with the increased salary.

vi) In the case of teachers who resign with more than five but less than ten years service with the Department, the teacher will receive payment for pro rata long service leave calculated in accordance with Section 4.9.2.

e) Deferred Superannuation Liability Following Retirement or Medical Retirement While on Leave Without Pay

For contributors to the State Superannuation Scheme, the deferred superannuation will be accepted by the Department except where:

- the salary paid by the Federation is greater than the salary which would have been paid by the Department had the officer remained a teacher, the Federation will meet that part of the deferred liability which is referable to the difference; and/or

- a teacher has worked for twelve years or more (two separate six year terms) and any relevant by-election term with the Federation, the deferred liability will be apportioned between the Department and the Federation according to the time spent working with each.

f) Federation Officers who Previously Resigned from the Education Teaching Service

i) Previous teachers of the Department who have resigned from the Education Teaching Service to accept an administrative position with the Federation will be guaranteed an offer of employment with the Department following the Federation elections in which the officer failed to be re-elected to office or did not stand for re-election subject to the availability of a suitable non executive position.

ii) In the case of teachers who previously resigned from the Education Teaching Service and are employed by the Federation, the Department will not accept any liability for payment of deferred superannuation contributions following the retirement of Federation officers.

4.8.22.2 Appointment to Relief Positions

The following conditions apply to teachers appointed to relief positions with the NSW Teachers Federation.

a) Teachers released to work in relief positions may be granted leave without pay and must submit an application. Such leave will be regarded as separate from leave without pay granted to teachers to take up full time administrative positions.

b) In respect of contributors to a state government superannuation fund, the current liability superannuation contributions will be paid by the Teachers Federation.

c) The period of leave will count for incremental purposes.

d) Payment of salary and conditions of employment, including leave entitlements will be the responsibility of the Teachers Federation.

e) A period of leave without pay of less than six months will count as service for
long service leave purposes when a teacher has completed at least ten years paid service.

f) Teachers will have right of return to their former position following the expiration of the leave granted, at the beginning of the ensuing term within that school year or at the beginning of the next school year as appropriate.

g) Teachers will not have right of return to their former position if a period of leave or an extension of leave extends beyond the beginning of the following school year.

4.8.23 Australian Education Union

a) The conditions regarding appointment to an administrative position with the Australian Education Union are the same as for the NSW Teachers Federation except for the provisions in respect of superannuation and long service leave.

b) The Australian Education Union is not an “Employer” for the purposes of the State Superannuation Act. Consequently teachers appointed to an administrative position with the Australian Education Union must make their own arrangements for payment of personal and employer’s current liability superannuation contributions to the appropriate fund.

c) The period of absence does not count for long service leave purposes.

4.8.24 Temporary Release to Other Authorities

See Chapter 1 for details.

4.8.25 Transport Stoppages

a) During a major interruption to public transport it is expected that, as far as practicable, teachers will report for duty at their usual school.

b) Where it is impracticable for teachers to report to their normal schools they may report for duty to schools more convenient to their home. In this instance teachers are deemed to be on duty but must supply their principals with a certification from the other school which includes the specific dates upon which they reported for duty.

c) If a teacher is unable to attend their own or another school they must be granted leave without pay or long service leave to credit.

4.8.26 Weddings and Wedding Anniversaries

a) A teacher may be granted leave without pay for the wedding of a son, daughter, brother, sister or marriage of a parent.

b) Leave for weddings of relatives other than a teacher’s son, daughter, brother, sister or parent will be granted, without pay, only in exceptional circumstances.

c) Where family and community service leave has been exhausted, leave without pay for one day may be granted to attend silver, golden, or diamond wedding anniversaries of parents.

d) Leave without pay beyond one day may be granted where travel to the place of the wedding or anniversary necessitates additional absence.

4.8.27 Part Time Leave Without Pay

4.8.27.1 Eligibility
All permanent teachers who have completed the equivalent of two years full time service are eligible to apply for part time leave without pay.

### 4.8.27.2 Duration of Leave and Right of Return

a) Part time leave without pay is available for periods of up to two years after which a teacher must either:
   i) resume duty in a full time position; or
   ii) seek a change in status to permanent part time work; or
   iii) apply for further extensions of part time leave without pay beyond the initial two year period, subject to Departmental approval.

b) Teachers on part time leave without pay will have right of return to their former for the duration of the period of leave.

### 4.8.27.3 Application and Variation

a) Application for part time leave without pay should be made no later than four weeks prior to the commencement of the leave. However, where leave is sought to commence immediately after a school vacation, the application for leave should be submitted no later than four weeks prior to the last day of the relevant school term. Applications must be made in fractions of a day ie quarter, half, three quarters of a day or a full day and days to be worked indicated on the application.

b) A minimum of 0.4 equivalent full time must be worked on a set and regular basis each week.

c) A teacher may apply for variation in leave and/or work arrangements at the end of the school year, subject to Departmental approval.

d) Teachers may apply to resume full time employment in their previous positions by giving one month’s notice in writing. Consideration of requests of this nature will take into account whether a replacement teacher has been engaged.

### 4.8.27.4 Other Conditions

a) Salary, leave and allowances including locality and climatic allowances will be calculated on a similar basis as for permanent part time work.

b) Subject to the normal provisions, teachers on part time leave without pay are entitled to paid maternity or adoption leave as follows:
   i) Where the period of part time leave without pay preceding maternity or adoption leave is 40 calendar weeks or less, paid maternity leave or adoption leave shall be granted at the teacher’s full time rate of pay;
   ii) Where the period of part time leave without pay preceding maternity or adoption leave exceeds 40 weeks, paid maternity leave shall be granted at the teacher’s part time rate of pay.

c) Eligibility for transfer and benefit under the *Transferred Officers’ Compensation Determination* will be the same as for full time teachers.

d) Any teacher who applies for part time leave without pay and whose application is rejected at the school level has right of appeal to the Director.
of Personnel Operations through the Manager of Corporate Services (Newcastle).

4.8.27.5 Vacation Entitlement

“Under Review” as a result of reforms arising from the 2009 teachers’ award outcome

4.8.27.6 Relief Duties

Teachers on part time leave without pay may undertake relief duties. See Section 4.8.5 for details.

4.8.27.7 Superannuation

See Chapter 12, Superannuation for details.
4.9 Long Service Leave (Extended Leave)

This section of the Handbook is currently being updated with details of the enhanced leave provisions that will allow the granting of long service leave (extended leave) after 7 years of completed service and the taking of long service leave (extended leave) at double pay. In the meantime any questions you may have about the new provisions can be referred to the appropriate Employee Services Centre.

Teachers in Hunter & Central Coast; New England; North Coast; Northern Sydney; Western Sydney Regions
Contact: ☎️ Newcastle - Employee services 📞 1300 338 001

Teachers in Illawarra & South Coast; Riverina; South Western Sydney; Sydney; Western NSW Regions
Contact: ☎️ Wollongong - Employee services 📞 1300 338 002

4.9.1 General

The terms "long service leave" and "extended leave" are identical but the term "long service leave" is used throughout the Handbook as this is the commonly accepted terminology in the Education Teaching Service.

a) Applications for long service leave should be submitted at least three months in advance. Teachers seeking to proceed on leave on day 1 of term 1 are to submit their leave application at least three months prior to the end of the school year.

b) Should special circumstances arise such as compassionate or other good reason, shorter notice may be given.

c) There are no restrictions as to when a period of long service leave may be taken but prior to submitting an application for leave, teachers should exercise their professional judgement with regard to the impact of such leave on the students in the school.

d) In exercising their professional judgement, teachers should also consider the educational and other advantages including vacation leave entitlements, in taking long service leave for a whole school term or terms.

e) If the period for which leave has been applied is not convenient to the school because of reasons such as relief difficulties, educational programs and student needs, then a mutually convenient time may be negotiated between the principal and the teacher. The personal circumstances of the teacher will also be a relevant factor in negotiating an alternative period of leave.

f) Long service leave may be taken on full or half pay or as a combination of full and half pay after completion of ten or more years of paid service.

g) Teachers are eligible to take a combination of leave without pay and long service leave. The long service leave must precede the leave without pay except in the case where the leave is being taken prior to resignation or retirement. Irrespective of teachers’ entitlements, they do not have to exhaust accrued long service leave prior to the commencement of leave without pay.

h) Long service leave accrued between five and ten years cannot be taken as leave. The monetary value of this leave may be paid on resignation or termination of services depending upon the reason.

i) In the case of permanent part time teachers the same entitlements accrue, however leave is paid at the prevailing full time equivalent.

j) Teachers are not permitted to undertake paid employment (including temporary or casual employment) whilst on long service leave with the exception of educational
employment while interstate or overseas.

k) Long service leave will not be granted on a part time basis.

l) Teachers will not be granted approval to work while on long service leave unless the Department determines that special circumstances exist.

4.9.2 Entitlement

4.9.2.1 Calculation of Entitlement

a) For service between five years and ten years:
   i) on the completion of five years service the entitlement is one calendar month on full pay;
   ii) for each completed year in excess of five years the entitlement is six calendar days;
   iii) for each completed month of service after five years the entitlement is a half calendar day.

b) For service of ten years or more:

   On completion of ten years service teachers are eligible for two calendar months leave on full pay and for fifteen calendar days for each completed year of service after ten years - refer to Table 1. Entitlement for portions of a year are detailed in Table 2.
Long Service Leave Entitlement for Completed Years of Service of 10 Years or More

Table 1

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</tr>
<tr>
<td>44 years</td>
<td>19 months</td>
</tr>
<tr>
<td>45 years</td>
<td>19 months 15 days</td>
</tr>
<tr>
<td>46 years</td>
<td>20 months</td>
</tr>
<tr>
<td>47 years</td>
<td>20 months 15 days</td>
</tr>
<tr>
<td>48 years</td>
<td>21 months</td>
</tr>
<tr>
<td>49 years</td>
<td>21 months 15 days</td>
</tr>
<tr>
<td>50 years</td>
<td>22 months</td>
</tr>
</tbody>
</table>
Long Service Leave Entitlement for Service for Part of a Year After 10 Years

Table 2

<table>
<thead>
<tr>
<th>Period of Service</th>
<th>Calendar days</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 days to 23 days</td>
<td>½</td>
</tr>
<tr>
<td>24 days to 1 month 5 days</td>
<td>1</td>
</tr>
<tr>
<td>1 month 6 days to 1 month 17 days</td>
<td>1½</td>
</tr>
<tr>
<td>1 month 18 days and less than 2 months</td>
<td>2</td>
</tr>
<tr>
<td>2 months to 2 months 11 days</td>
<td>2½</td>
</tr>
<tr>
<td>2 months 12 days to 2 months 23 days</td>
<td>3</td>
</tr>
<tr>
<td>2 months 24 days to 3 months 5 days</td>
<td>3½</td>
</tr>
<tr>
<td>3 months 6 days to 3 months 17 days</td>
<td>4</td>
</tr>
<tr>
<td>3 months 18 days and less than 4 months</td>
<td>4½</td>
</tr>
<tr>
<td>4 months to 4 months 11 days</td>
<td>5</td>
</tr>
<tr>
<td>4 months 12 days to 4 months 23 days</td>
<td>5½</td>
</tr>
<tr>
<td>4 months 24 days to 5 months 5 days</td>
<td>6</td>
</tr>
<tr>
<td>5 months 6 days to 5 months 17 days</td>
<td>6½</td>
</tr>
<tr>
<td>5 months 18 days and less than 6 months</td>
<td>7</td>
</tr>
<tr>
<td>6 months to 6 months 11 days</td>
<td>7½</td>
</tr>
<tr>
<td>6 months 12 days to 6 months 23 days</td>
<td>8</td>
</tr>
<tr>
<td>6 months 24 days to 7 months 5 days</td>
<td>8½</td>
</tr>
<tr>
<td>7 months 6 days to 7 months 17 days</td>
<td>9</td>
</tr>
<tr>
<td>7 months 18 days and less than 8 months</td>
<td>9½</td>
</tr>
<tr>
<td>8 months to 8 months 11 days</td>
<td>10</td>
</tr>
<tr>
<td>8 months 12 days to 8 months 23 days</td>
<td>10½</td>
</tr>
<tr>
<td>8 months 24 days to 9 months 5 days</td>
<td>11</td>
</tr>
<tr>
<td>9 months 6 days to 9 months 17 days</td>
<td>11½</td>
</tr>
<tr>
<td>9 months 18 days and less than 10 months</td>
<td>12</td>
</tr>
<tr>
<td>10 months to 10 months 11 days</td>
<td>12½</td>
</tr>
<tr>
<td>10 months 12 days to 10 months 23 days</td>
<td>13</td>
</tr>
<tr>
<td>10 months 24 days to 11 months 5 days</td>
<td>13½</td>
</tr>
<tr>
<td>11 months 6 days to 11 months 17 days</td>
<td>14</td>
</tr>
<tr>
<td>11 months 18 days and less than 12 months</td>
<td>14½</td>
</tr>
<tr>
<td>12 months</td>
<td>15</td>
</tr>
</tbody>
</table>

4.9.2.2 Effect of Leave Without Pay

a) Except for the circumstances outlined in c) below, prior to the completion of ten years paid service, leave without pay does not count as service for long service leave purposes.

b) On completion of ten years paid service, leave without pay counts as service under the following conditions:
   - any period of leave without pay taken prior to 13 December 1963;
   - any period of leave without pay not exceeding six months taken after 13 December 1963.

c) Irrespective of a teacher’s length of service, absences without pay count as service for long service leave purposes in the following circumstances:
   - periods of sick leave without pay not exceeding six months;
   - periods during which workers’ compensation is being paid by the Fund Manager;
4 LEAVE PROVISIONS

- absences due to major interruptions to public transport;
- absences without pay for military purposes.

d) Unauthorised absences do not count as service for long service leave purposes irrespective of a teacher's length of service.

4.9.2.3 Calculation of Leave

a) Long service leave is calculated on a seven day week basis, not a five day week basis.

b) Except as outlined in c) below, when long service leave is taken during service, leave commences from the first working day of absence and expires on the day before resumption of duty. For example if a teacher takes long service leave up to and including a Friday or requests long service leave as an alternative to leave without pay for a Friday, the period of long service leave concludes on the Sunday and the Saturday and Sunday are debited as long service leave. In the case of a part time teacher the long service leave continues until the day prior to the next working day of the part time program.

c) If a period of long service leave is taken immediately prior to a school vacation, long service leave expires on the last day of term and neither the weekend nor school vacation is debited as long service leave.

d) Weekends and/or public holidays occurring during a period of long service leave are debited as long service leave.

e) If long service leave is granted for a short period not immediately preceding a weekend or public holiday, the following conversion scale applies:

<table>
<thead>
<tr>
<th>Period Taken</th>
<th>Long Service Leave Debited</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 day</td>
<td>1 day</td>
</tr>
<tr>
<td>2 days</td>
<td>3 days</td>
</tr>
<tr>
<td>3 days</td>
<td>4 days</td>
</tr>
<tr>
<td>4 days</td>
<td>6 days</td>
</tr>
</tbody>
</table>

f) The minimum period of long service leave that may be taken is half a day.

4.9.2.4 Advice Regarding Entitlement

a) A teacher may obtain their long service leave entitlement via the Department’s online leave enquiry service at www.schools.nsw.edu.au (click on “Employment With Us” and then click on “Leave”).

b) Verbal advice regarding a teacher’s leave entitlement can be obtained from the personnel support officer in the local district office.

c) Teachers requiring written advice of their entitlements should forward a written request to Teacher Services Unit.

4.9.3 Payment of Salary While on Long Service Leave

a) When completing an application for leave, teachers should nominate their choice in respect of payment, as salary may be paid by normal fortnightly instalments or by lump sum payment in advance.
b) If a lump sum payment is requested but the period of long service leave spans two financial years, teachers should consider electing to receive two payments so that taxation is levied in the financial year in which the salary is actually earned. In order to effect this, teachers should nominate one payment at the commencement of the leave and a second payment on or after 1 July.

c) Where a period of long service leave is taken immediately before or after a school vacation or spans a vacation, although the period of the vacation is not debited as long service leave, if payment in advance is requested, vacation pay is also paid in advance.

d) Where a teacher elects to take an advance payment, taxation instalments at the normal rate, superannuation and miscellaneous deductions are calculated for the whole period and the total amounts are deducted in advance.

4.9.4 Payment of Allowances While on Long Service Leave

a) Subject to d) below, annual allowances specified in the current Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award are payable while on long service leave.

b) A principal’s expense allowance is payable while on long service leave.

c) Payment of a higher duties allowance is limited to an aggregate period of 21 days in any period of twelve months.

d) Locality allowances paid under the provisions of the Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award are not payable while on long service leave.

e) Living, disability and travelling allowances are not payable while on long service leave.

f) Allowances which are paid on a daily basis are not payable while on long service leave.

4.9.5 Right of Return

a) Teachers have right of return to their school if they take a period of long service leave.

b) Dependent on the type of leave and length of absence, right of return may not be retained when long service leave is combined with another category of leave.

4.9.6 Long Service Leave Concurrent with Other Leave

a) Long service leave may be taken concurrent with another category of leave and utilised to supplement a period of half or no pay leave. For example half pay sick leave or half pay maternity leave may be taken concurrently with half pay long service leave, thus enabling the teacher to be paid full salary. Similarly, unpaid sick leave or unpaid maternity leave may be taken concurrently with full or half pay long service leave. Long service leave may not be taken concurrently to make up salary for the days of part time leave without pay or part time maternity leave without pay.

b) In compassionate circumstances such as those covered by family and community service leave, teachers may elect to take long service leave in lieu of no pay where they have exhausted their family and community service leave entitlement or because the length of absence is not covered by family and community service leave.
4 LEAVE PROVISIONS

Long Service Leave (Extended Leave)

c) Teachers wishing to have a period of half or no pay concurrent with long service leave should indicate appropriately when making the application for leave.

d) Teachers should note that the long service leave is deducted on a seven day per week basis.

4.9.7 Sickness While on Long Service Leave

a) A teacher who becomes ill while on long service leave and who has sick leave to credit, may apply to have the long service leave recredited. To be eligible for a recredit of long service leave the teacher must have been ill for at least a period of five continuous working days. The five day period must occur during the long service leave.

b) The application must be accompanied by a medical certificate stating the nature and duration of the illness.

c) This provision applies to teachers on long service leave prior to retirement. It does not apply to teachers on long service leave prior to resignation or termination of services.

d) A teacher’s vacation entitlement will not be reduced in situations where the whole or part of a period of long service leave is recredited to sick leave and the leave would not otherwise have incurred a reduction in vacation entitlement.

4.9.8 Vacation Leave Entitlement

“Under Review” as a result of reforms arising from the 2009 teachers’ award outcome

4.9.9 Payment on Resignation or Retirement

a) Teachers who resign, retire or whose services are terminated, having completed ten years paid service, are paid the monetary value of any long service leave balance.

b) Where a teacher who has not completed ten years actual service but has completed ten consecutive school years service, resigns or retires for any reason, payment of the monetary value of proportionate long service leave will be granted provided:

- the teacher has not been granted leave without pay and/or taken unauthorised absence;
- the non-completion of ten years actual service is due to the differential dates in the commencement of the school year.

c) Where the services of a teacher with at least five years service but less than ten years service are terminated by the Director-General for any reason other than the teacher’s serious and wilful misconduct, payment of the monetary value of proportionate long service leave is made.

d) Teachers who resign or retire having completed more than five years paid service but less than ten years service are paid the monetary value of proportionate long service leave where their reasons for leaving the service includes either illness, incapacity, domestic or other pressing necessity. Pressing necessity may include marriage, family responsibilities or the impending birth of a child.

e) Teachers with less than ten years service should indicate the reason for leaving the service in the appropriate space on the separation form so that full consideration may be given to whether they are entitled to a proportionate payment of long service leave.
f) If a teacher is eligible for payment of long service leave on resignation or retirement, it is not necessary to apply for their entitlement as it is automatically calculated and is deposited in the same account to which salary is normally paid.

g) Where a teacher is resigning to accept employment with a NSW government department the teacher should indicate on the separation form whether they wish for payment to be made for long service leave or for their accrued long service leave entitlement to be transferred to their new employer.

4.9.10 Taxation on Long Service Leave

a) When long service leave is taken as a period of leave during service, taxation instalments are deducted at the normal rate in accordance with the teacher’s salary.

b) To avoid paying taxation at a higher instalment rate, teachers who take long service leave spanning two financial years and who require payment in advance, are advised to consider electing two payments - the first payment at the commencement of the leave and the second payment on or after 1 July.

c) When a long service leave payment is made on resignation or retirement, taxation instalments at the rate of 30 per cent (plus Medicare levy) are deducted from the total money value of unused long service leave accrued after 15 August 1978 and prior to 18 August 1993. Only 5 per cent of the amount attributed to long service leave accrued to 15 August 1978 is subject to tax at the same rate.

d) In the case of medical retirement, taxation instalments at the rate of 30 per cent (plus Medicare levy) are deducted from the total money value of unused long service leave accrued after 15 August 1978.

The separate taxation rates after 17 August 1993 do not apply.

4.9.11 Long Service Leave Prior to Resignation or Retirement

a) Teachers who take long service leave immediately prior to resignation or retirement can indicate whether or not they are going to relinquish their position from the commencement of the period of leave. An appropriate election should be made with the application for leave.

b) While it is not compulsory to relinquish a position, in these circumstances it will assist the school in respect of staffing.

4.9.12 Payment in the Event of Death

a) Where a teacher who is eligible for long service leave, dies before taking such leave or while on leave, the monetary value of leave for which payment has not already been made will be paid to:

- the spouse of the deceased teacher or if none;
- the children of the deceased teacher or if none;
- any eligible dependent relative of the deceased teacher or if none;
- the personal representative of the deceased teacher (ie the estate)

b) These provisions also apply to a teacher who dies after completing more than five years paid service but less than ten years of service.

4.9.13 Recognition of Prior Service

4.9.13.1 Recognition of NSW Government Service

a) The following periods of service shall be recognised as service for long
service leave purposes:

- all periods of full time or permanent part time teaching, whether broken or continuous service with the NSW Department of Education and Training;
- all periods of temporary full time or part time teaching, whether broken or continuous service with the NSW Department of Education and Training;
- all periods of prior permanent and temporary full time or part time service under the Public Sector Employment and Management Act 2002, Public Sector Management Act 1988 and/or the Public Service Acts 1902 and 1979, the Teaching Services Act 1970 or the Teaching Services Act 1980;
- all casual supply teaching service with the NSW Department of Education and Training prior to 20 May 1985, whether continuous or broken;
- all continuous casual teaching service (supply and relief) with the NSW Department of Education and Training from 20 May 1985.

Continuous service is defined by the Long Service Leave Act 1955.

Generally, a break in service in excess of two months between:
- periods of casual teaching; and
- ceasing duty as a casual teacher and entering on duty as a permanent teacher

will break continuity of service.

School vacations or approved leave are not counted in the two months period, nor do they constitute a break in continuity of service.

b) Previous periods of permanent full time and part time teaching service are automatically recognised and where appropriate credited at the time a teacher is re-employed.

c) Teachers with previous temporary teaching service should make written application to Teacher Services Unit for recognition of this service.

d) Teachers who have previously been employed in the Public Service or by the NSW Technical & Further Education Commission must make written application to Teacher Services for recognition of such service. A Statement of Service from the previous employer must accompany the request. (Refer 4.9.13.7).

e) Teachers who have had previous supply casual service (prior to 20 May 1985) or continuous casual service (from 20 May 1985) should make written application for recognition of casual teaching service to Teacher Services providing information regarding the school, district or region and dates where previous casual service has been undertaken.

The teacher’s application will be assessed in accordance with the provisions as outlined in a) above.

f) Teachers who have previously had supply casual teaching service (post 20
May 1985) recognised for long service leave purposes may apply for reassessment of their credit for prior service to take into account any relief teaching service.

A reassessment will be made on the provisions of the Long Service Leave Act 1955.

Should re-assessment under these provisions be more advantageous, such accreditation shall be applied with service previously recognised disregarded.

If re-assessment under these provisions reveals a lesser amount of creditable service due, the previous calculation of credit for prior service stands. Thus, a teacher will not be disadvantaged.

g) Casual teaching service is recognised as full time equivalent in accordance with the following formula:

- \[
\frac{\text{number of days}}{365} \times 1.79803 = \text{number of years}
\]
- \[
\text{decimal portion of} \times 12 \text{ months} = \text{number of months}
\]
- \[
\text{decimal portion of} \times 30 \text{ days} = \text{number of days}
\]

4.9.13.2 Recognition of Other Service

a) Teaching service overseas or service with a private school in Australia is not recognised for long service leave purposes.

b) In some circumstances previous teaching service with other State or Commonwealth Departments of Education or service other than teaching with a Governmental authority of the Commonwealth or another state or a New South Wales authority may be recognised for long service leave purposes under the provisions of the Transferred Officers Extended Leave Act 1961.

4.9.13.3 Basis for Recognition

A teacher who had a period of service in the public service of another state, the Commonwealth, a declared authority under the Transferred Officers Extended Leave Act 1961, or in the armed forces of the Commonwealth of Australia and whose service is continuous shall have such service recognised in accordance with the requirements of the Transferred Officers Extended Leave Act 1961.

4.9.13.4 Criteria for Eligibility

Teachers eligible for recognition of service are those who:

- transferred from a department of the Commonwealth or of any state public service to which the various Public Service Acts apply or from the armed forces of the Commonwealth of Australia and were employed by the Department subsequent to 24 March 1961; or

- transferred from a Governmental authority of the Commonwealth or another state or a NSW authority and were employed by the Department on or
subsequent to the date of publication of a notice in the Government Gazette that such a governmental authority or state authority is declared to be an employer under the Act.

4.9.13.5 Criteria for Continuous Service

For the purpose of the *Transferred Officers Extended Leave Act 1961*, service shall be deemed to be continuous under the following circumstances:

- if the teacher entered on duty in the Education Teaching Service on the next working day following cessation of employment with the former declared employer;
- if the teacher was accepted for employment by the NSW Department of Education and Training prior to the last day of service with the former governmental employer, in which case a break of up to two months may be allowed between cessation of duty with the former governmental employer and commencement of duty in the Education Teaching Service;
- if having served with the armed forces of the Commonwealth of Australia during or partly during a period of war in which the Naval, Military or Air Forces of Australia were engaged, or having served in an area prescribed as an operational area for the purposes of subsection two of Section 4 of the Act, commenced employment in the Education Teaching Service within twelve months after ceasing service with the armed forces; or
- if a teacher, with former governmental service recognised by the *Transferred Officers Extended Leave Act 1961*, undertakes an approved course of teacher training and on completion of the course is immediately appointed as a teacher. In this case the period of teacher training does not count as service for long service leave purposes but is not regarded as a break in service for the purposes of the above Act.

4.9.13.6 Service Recognition

a) With the exception of teachers who transfer from a declared NSW Public Sector Authority no monetary liability shall be accepted for any long service leave accrued with another employer. Where applicable, the teacher shall be paid the monetary value for such leave by the previous employer and recognition shall only be granted for the period of service.

b) If a teacher transfers within the meaning of the Act, to the Education Teaching Service from a declared NSW Public Sector Authority, monetary liability for accrued long service leave will be accepted by the Department provided that the teacher does not accept payment on resignation from the previous employing authority.

c) Where a teacher is employed by the Department and has had previous service with a declared employer under the *Transferred Officers Extended Leave Act 1961* recognised as service for long service leave purposes, all previous service accepted by the prior employer for long service leave purposes shall be credited.

d) As a general rule, a teacher becomes entitled to long service leave in respect of the total period of acceptable service less leave paid for or taken during service.

4.9.13.7 Procedures for Recognition of Service

a) In order to apply for recognition of previous service with a state or Commonwealth authority, teachers should submit a written request to
Teacher Services, and accompany the application with a statement of service from the previous employer. The statement of service should indicate the period or periods of employment, the FTE of the service, details of any leave without pay or unauthorised absences (or confirmation of nil leave taken) and where appropriate details of long service leave taken during service or for which payment in lieu of leave was made on cessation of employment.

b) Teachers requesting recognition of service with the armed services of the Commonwealth of Australia should make application to Teacher Services for recognition of such service and accompanying the application with a copy of their service record from the Department of Defence.

c) Teachers initially employed as a temporary or casual teacher who meet the “continuous service criteria” may also be eligible (under the Transferred Officers Extended Leave Act 1961) to claim recognition of previous service.
4 LEAVE PROVISIONS

4.10 Maternity Leave

This section of the Handbook is currently being updated with details of the enhanced leave provisions. The updated section will be made available as soon as possible.

The instrument that will form the basis for the revised chapter can be found in Determination 1 of 2007 of the Teaching Services Act 1980. A hyperlink to the Determination has been included for reference: Determination 1 of 2007.

Teachers in Hunter & Central Coast; New England; North Coast; Northern Sydney; Western Sydney Regions
Contact: Newcastle - Employee services 1300 338 001

Teachers in Illawarra & South Coast; Riverina; South Western Sydney; Sydney; Western NSW Regions
Contact: Wollongong - Employee services 1300 338 002
4.11 Military Leave

Military leave may be granted to teachers who are volunteer part time members of the Defence Forces Reserves. Such leave shall not apply to attendance after working hours and shall be subject to departmental convenience.

4.11.1 Entitlement

4.11.1.1 Annual Grant Entitlements

In any period of twelve months commencing on 1 July each year the following entitlements shall apply:

a) For attendance at annual training:
   • for members of the Navy Reserve - thirteen calendar days on full pay;
   • for members of the Army Reserve - fourteen calendar days on full pay;
   • for members of the Air Force Reserve - sixteen calendar days on full pay.

b) For attendance at a school, class or course of instruction:
   • for members of the Navy Reserve - thirteen calendar days on full pay;
   • for members of the Army Reserve - fourteen calendar days on full pay;
   • for members of the Air Force Reserve - sixteen calendar days on full pay.

4.11.1.2 Leave in Addition to Annual Grant

a) Where a Commanding Officer certifies in writing that it is obligatory for a member of the Reserves to attend training for a period that exceeds the leave normally available as military leave, teachers may be granted further military leave not exceeding four calendar days in any one military leave year.

b) Payment for up to four days additional leave shall be at the difference between the teacher’s normal salary and military pay to which the teacher is entitled.

c) Any further leave required in excess of that provided above may be granted as leave without pay or if available long service leave to credit.

4.11.1.3 Leave for Full Time Military Service

If it is essential for a member of the Reserves to serve full time in the defence forces, leave may be granted at the difference between the teacher’s normal salary and the military payments to which the teacher is entitled.

4.11.2 Evidence of Attendance

a) Leave applications must be supported by evidence of membership of the Reserves and the necessity for the leave. This documentation must be provided prior to the
leave being taken.

b) A certificate of attendance from the Defence Forces Reserves must also be provided after the period of leave.

c) Where leave is granted at the difference between normal salary and military pay, a certificate verifying the amount of military payments received, must be submitted.
4.12  Paternity Leave

This section of the Handbook is currently being updated with details of the enhanced leave provisions. The updated section will be made available as soon as possible. In the meantime any questions you may have can be referred to the appropriate Employee Services Centre.

Teachers in Hunter & Central Coast; New England; North Coast; Northern Sydney; Western Sydney Regions
Contact: Newcastle - Employee services ☏ 1300 338 001

Teachers in Illawarra & South Coast; Riverina; South Western Sydney; Sydney; Western NSW Regions
Contact: Wollongong - Employee services ☏ 1300 338 002
4.13 Sick Leave

“Under Review” as a result of reforms arising from the 2009 teachers’ award outcome
4.14 Special Leave

4.14.1 General

a) Special leave is a category of full pay leave available to teachers. It covers activities which are not regarded as being on duty but which are not covered by other forms of leave.

b) Where appropriate, applications for special leave should be accompanied by documentation verifying the teacher’s involvement in the particular activity or organisation.

4.14.2 Entitlement

a) Each circumstance has specific rules which determine the entitlement and where applicable, the duration of special leave that may be granted.

b) In some instances, for example jury service, the amount of leave that may be granted has no upper limit and in other instances there are annual limits applicable to the particular circumstances.

4.14.3 Annual Conferences or Meetings

a) Teachers may be granted special leave for the duration of the conference or meeting, plus reasonable travelling time to permit attendance at annual conferences or meetings in the following circumstances:

i) State Emergency Services Annual Conference as deputy division controllers and/or sub-division controllers;

ii) Annual Conference of the Federation of Parents and Citizens Associations or the Annual Conference of the Federation of School Community Organisations as representative delegates;

iii) National Red Cross Executive Council compulsory meetings;

iv) Annual Conference of the Returned Services League of Australia as a delegate of a sub-branch;

v) NSW Local Government Council.

4.14.4 Bone Marrow Donors

a) Teachers who have registered and are selected to donate bone marrow may be granted special leave when the procedure cannot be carried out outside school hours or during school vacations.

b) The maximum period of leave is five days special leave with pay and a medical certificate must accompany the application for leave.

4.14.5 Court Attendance as Interpreter

Subject to departmental convenience, teachers may be granted special leave when required to assist in official interpreting at courts. Teachers may retain the interpreter’s fee.

4.14.6 Electoral Returning Officers

Teachers who are Electoral Returning Officers may be granted special leave in the following circumstances:
4 LEAVE PROVISIONS

Special Leave

i) For contested elections or a referendum - up to seven weeks special leave from the date of issue of the writs until three weeks after polling day. Requests for additional leave are to be referred to the Director of Personnel Services.

ii) For uncontested elections - sufficient special leave to complete the necessary formalities.

iii) To visit schools to conduct campaigns of electoral education in line with the Premier's wishes - special leave for visit plus travelling time.

4.14.7 Duke of Edinburgh Awards

Up to two days special leave may be granted to teachers to attend rehearsals and/or presentation of Duke of Edinburgh Awards.

4.14.8 Examination Leave

a) Special leave to a maximum of five days per year may be granted to teachers enrolled in approved tertiary courses to attend a terminal examination.

b) “Approved tertiary courses” are defined as courses of study of value to teachers professionally which may be undertaken at a university or TAFE college in New South Wales or the Australian Capital Territory.

c) “A terminal examination” is defined as:

- an examination which occurs at the end of a subject and must be passed for the subject to be completed; or

- an examination which occurs during a course and forms an integral part of the major examination or final assessment in a subject which must be taken in order to pass the subject in that academic period.

d) These conditions also apply to attendance at deferred examinations and examinations in respect of repeat studies.

4.14.9 Pre-examination Leave

Teachers enrolled in approved tertiary courses may also be granted up to five days pre-examination leave as follows:

Morning examination : no pre-examination leave

Afternoon examination : half day pre-examination leave on the morning of the same day

Evening examination : half day pre-examination on the afternoon of the same day

4.14.10 Application and Approval of Leave

a) Principals have authority to grant examination and pre-examination leave in accordance with the above provisions. Formal applications for leave do not need to be submitted as principals may approve leave on production of the examination timetable.

b) In respect of teachers wishing to attend examinations arranged by institutions other than a university or TAFE college in New South Wales or the Australian Capital Territory, formal applications for leave must be submitted and accompanied by all relevant documentation.
4.14.11 **Ex-armed Services Personnel**

Ex-armed services personnel may be granted up to 6½ days special leave in any period of twelve months for the following purposes:

- to attend a hospital or visit a medical officer for review;
- to attend a hospital to report for periodical examination or attention in connection with a war caused disability;
- to attend limb factories for the supply, renewal or repair of article replacements or surgical appliances; or
- to attend the Department of Veterans’ Affairs in connection with claims made for military pensions.

4.14.12 **Graduation Ceremonies**

a) Teachers may be granted special leave for a maximum of one day for the minimum time necessary for attendance at a graduation ceremony for the award of a degree or diploma from a recognised tertiary institution.

Teachers in isolated locations who require additional time to travel to and from a graduation ceremony, may be granted family and community service leave to credit for the reasonable time necessary for travel.

b) Where relief is not available, the closure of a one teacher school for one day will be permitted to allow the teacher to attend a graduation ceremony.

4.14.13 **Jury Service**

a) Teachers who receive a jury summons should advise their principal of the details.

b) A teacher who attends court in answer to a jury summons may be granted special leave for the time they are necessarily absent.

c) A certificate of attendance or other documentation setting out attendance and detailing payments made must be obtained from the Sheriff or the Registrar of the court.

d) Teachers can only claim out of pocket expenses.

e) A teacher who attends court but is not empanelled for jury service is obliged to report for duty where practicable, even for part of the day. In these circumstances teachers should telephone the principal and indicate that they are returning to school.

f) Applications for leave must be accompanied by the Sheriff’s certificate, otherwise leave will be granted without pay.

g) A teacher who serves on a jury during a school vacation or other approved leave is not eligible for compensatory leave or a recredit of approved leave. The certificate of attendance is not required.

**Exemption from Jury Service**

a) A teacher who is summoned for jury duty at a time which would educationally disadvantage pupils or cause other severe hardship may apply to the Sheriff of NSW to be excused from jury service.
b) Application, in the form of a statutory declaration accompanied by a letter of support from the principal and the summons for jury service, should be submitted to the Sheriff immediately following receipt of the jury service notice.


a) Teachers who hold the civic office of mayor of a municipal council, president of a shire council or chairperson of a county council may be granted up to ten days special leave in any period of twelve months, not cumulative, to meet those commitments of office which occur in school hours.

b) Teachers who hold civic office other than those above may be granted three days special leave in any period of twelve months, not cumulative.

4.14.15 Medical Examination for Permanent Appointment

a) Teachers in country centres may be granted special leave for the time they are necessarily absent from duty where they are required to travel to another town for a medical examination for permanent appointment.

b) In the metropolitan area and other centres where travel to another town is not necessary, teachers are deemed to be on duty for the minimum time necessary to attend the medical examination and return to duty.

c) Where a teacher is not already on approved leave and is attending a medical examination for fitness to continue, the above provisions will apply.

4.14.16 Members of Statutory Boards and Authorities

a) Teachers may be granted special leave for attendance at regular meetings of a specified statutory board or authority of which the teacher is a member on the following basis:

- up to three days in any period of twelve months, not cumulative, if a teacher is a member of one specified statutory board or authority;
- up to five days in any period of twelve months, not cumulative, if a teacher is a member of more than one specified statutory board or authority;

b) Teachers who attend meetings of statutory boards or authorities which come within the Education portfolio, for example the Board of Studies, will be deemed to be on duty and do not have to apply for leave of absence.

c) Teachers appointed as board members of the NSW Teachers Credit Union or Directors of the Teachers Federation Health Limited board may be granted special leave for one half day per month to attend board meetings that are held during school terms.

The NSW Teachers Credit Union or Teachers Federation Health Limited, as appropriate, is responsible for payment of relief costs associated with this leave.

4.14.17 Political Exchange Program

Teachers who are selected to participate in the Political Exchange Program under the Multi-Party Commonwealth Government Committee may be granted special leave for the duration of the program plus reasonable travelling time.

4.14.18 National Aborigines’ and Torres Strait Islanders’ Day

Teachers who identify as Aborigines may be granted up to one day special leave so that they may participate in National Aborigines’ and Torres Strait Islanders’ Day celebrations.
4.14.19 Professional or Learned Societies

a) Applications for special leave for the attendance at conferences or meetings which are of professional interest to teachers will only be considered in special circumstances.

b) Applications for special leave should be submitted at least one month in advance and should be accompanied by appropriate documentation regarding the conference or meeting.

c) In respect of applications for special leave where overseas travel is involved it is essential that the prior approval of the Minister for Education and Training is obtained. In this instance it is therefore necessary for applications to be submitted at least ten weeks prior to the proposed departure date.

4.14.20 School Camping Programs

a) Visiting teachers who attend school camps organised in association with the Department of Sport and Recreation may be granted two days special leave if they attend a camp of seven days duration or longer. This leave is to compensate the teacher for being on duty during a weekend.

b) If the camp is of five days duration or longer and a teacher is on duty on a public holiday, special leave for one day may be granted.

c) Leave should be taken within a reasonable time after the camp and at a time convenient to the teacher’s school.

4.14.21 Sporting Fixtures

a) In some instances special leave may be granted to teachers selected to represent a State or Australia as a competitor, coach, team manager or official in a major amateur sport.

b) See Section 4.7, Leave for Sporting Fixtures for details.

4.14.22 State Emergencies

a) Courses of Training

- Teachers selected as departmental representatives to attend emergency services training courses or lectures are regarded as being on duty.

- Teachers nominated by the Director of the State Emergency Services to attend the above courses are eligible for special leave for the time they are necessarily absent from duty.

- Teachers who are members of Volunteer Bush Fire Brigades who are nominated by organisations which are recognised by the Bush Fire Council, may be granted up to ten days special leave in any period of twelve months to attend training courses approved by the Bush Fire Council. Applications for leave must be accompanied by a copy of approval from the Bush Fire Council and confirmation of attendance.

b) Flood, Fire and Other Emergencies

i) Teachers who are volunteer members of the State Emergency Services or Bush Fire Brigade who serve during emergency operations will be regarded as being on duty when engaged in an emergency which occurs during normal working hours.
ii) Teachers who volunteer to assist where an emergency is declared under Section 17 or 41F of the Bush Fires Act 1949 or under other relevant legislation or by the Governor, may be granted special leave for the time they are absent from duty. Special leave granted during a declared emergency is separate from the five days per annum provided for in iii) below.

i) Teachers who are volunteer members of a local Bush Fire Brigade, the NSW Volunteer Fire Brigade or the State Emergency Services may be granted up to five days special leave per annum when called upon to assist as a volunteer.

c) Teachers who are called by the Police or local authorities to assist in emergency search and rescue operations may be granted up to five days special leave per annum if they are volunteer members of the following organisations:

- the Volunteer Rescue Association of NSW;
- the NSW Bushwalkers Federation Search and Rescue;
- the Wireless Institute Civil Emergency Network;
- such other similar organisations involved in emergency operations as determined.

d) Where a teacher remains on emergency duty for several days or assists in a rescue at such time as it would be unreasonable to expect the teacher to report for duty at a normal time, up to one days special leave for rest purposes may be granted.

e) In the case of an emergency other than a declared emergency, leave for rest purposes is included in the five day limits as set out in c) and d) above.

f) Teachers who are representatives of Volunteer Coastal Patrol Committees, Volunteer Bush Fire Committees or Disaster and Rescue Committees may be granted up to three days special leave per annum.

g) Proof of Attendance at Emergencies

i) An application for special leave must be accompanied by a statement from the local or Divisional Controller, the Fire Controller or Deputy Fire Controller or the Police, certifying the times of attendance at emergencies.

ii) Details regarding the period and area of attendance together with the name of the organisation of which the teacher is a volunteer member should be outlined on the leave application.

4.14.23 Subpoenaed or Called as Witnesses

a) Teachers subpoenaed or called as witnesses in their official capacity are deemed to be on duty and do not have to apply for leave of absence.

b) Teachers, who in their private capacity are subpoenaed or called as witnesses by the Crown, (whether in the right of the State or the Commonwealth) shall be granted special leave for the period they are necessarily absent from duty.

c) Any witness expenses other than travelling expenses must be repaid to the NSW Department of Education and Training.

d) Teachers subpoenaed in their private capacity other than by the Crown are granted long service leave to credit, or leave without pay. For leave without pay see Section 4.8 for details.
e) A copy of the subpoena should be submitted with the teacher’s application for leave.

4.14.24 Trade Union Training Courses

a) Teachers may be granted up to twelve days special leave in any period of two years to attend Trade Union Training Courses conducted by Trade Union Training Australia or the NSW Teachers Federation.

b) An application for leave must be accompanied by a statement from the NSW Teachers Federation verifying nomination to attend the course.

4.14.25 Transferred Officers

a) Leave Entitlements Relating to Transfer

i) A teacher who receives a transfer to a new locality and qualifies for payment of removal of residence and related expenses by the Department may be eligible for special leave.

ii) Transferred officers who are to enter on duty at their new location at other than the beginning of a school term may be granted:

- up to two days special leave for the purpose of obtaining accommodation at the new location;
- up to two days special leave for the purpose of preparation and packing of personal and household effects prior to removal or up to two days for the purpose of arranging storage;
- one day special leave for the purpose of either cleaning the residence being vacated or settling in and occupying the new residence;
- such special leave as is necessary to travel to the new location for the purpose of commencing duty.

b) Leave Entitlements to Return Home at Weekends

i) Provided suitable arrangements can be made for the performance of their duties, teachers who have been transferred at the Department’s expense but are unable to secure accommodation for their families at their new headquarters may be granted special leave. This leave is to permit teachers to return home at weekends once each month and spend two consecutive days and nights with their families. An additional day and night stay with their families is also available in respect of each public holiday which occurs in conjunction with such weekends.

ii) Special leave is limited to the time necessarily required in travelling on the day preceding a weekend or long weekend as the case may be.
4.15 Study Leave

4.15.1 General

a) Generally speaking teachers applying for full time study leave must have completed two years continuous service.

b) Teachers who have first class honours degrees who are awarded truly competitive scholarships may be granted full time study leave prior to the completion of two years service.

c) Following completion of a one year traineeship with financial assistance to undertake a District School Counsellors Course, Special Education Course, Teacher Librarian Course or other similar course, teachers must serve for three years or as otherwise required in the relevant deed of agreement before being eligible to apply for full time study leave.

d) Study leave will only be granted to undertake courses that are either highly relevant to a teacher’s professional development or of particular value to the Department.

e) Each year the Department advertises study leave schemes that will be available for the following year and indicates the closing date for each category.

f) Applications for leave to accept scholarships or other competitive or non-competitive awards must be supported by documentary evidence of having gained the award, the conditions of the award and the extent of financial assistance available.

g) Where a teacher, proceeding on a category of approved study leave that requires that his or her position be relinquished, (for example a period of study leave without pay in excess of twelve months), his or her position will be declared vacant. Should a teacher subsequently withdraw the application for study leave, reappointment to his or her former position or school will only be considered if a replacement teacher has not been appointed.

h) As study leave will only be granted at the Department’s discretion, enrolment in courses should not be undertaken in anticipation of leave being granted.

i) Teachers undertaking approved courses are eligible for paid examination and pre-examination leave to attend terminal examinations. See Sections 4.14.8 and 4.14.9, Special Leave for details.

4.15.2 Entitlement

There are a number of categories of study leave and each category of study leave has specific rules which determine the entitlement in respect of the duration of study leave that may be granted.

4.15.2.1 Study Leave With Pay to Accept a Competitive Award

Teachers who, in the Department’s opinion are awarded truly competitive scholarships and where the areas of study or investigation are recognised as being either highly relevant to the teachers’ professional development or of particular value to the Department, may be granted leave under the following conditions:

a) in the case of a scholarship to attend an Australian university, study leave for the period of the award will be granted on half pay or at the difference between normal salary and the value of the scholarship, whichever is the lesser;
b) in the case of an overseas award, study leave will be granted on half pay for the period of the award plus one week's travel time each way;

c) if additional travelling time is desired and the Department has no objection, the additional period may be taken as leave without pay or long service leave to credit;

d) the period of study leave counts as service for incremental and long service leave purposes;

e) in assessing the amount of financial assistance payable, living allowances which form part of the award are included, but amounts which are specifically awarded to cover the cost of university fees, books, travel, etc are excluded;

f) in the case of teachers who are contributors to a state superannuation scheme, personal contributions must be maintained for the period of absence;

g) teachers must submit short progress reports every six months and must obtain a report from the university at the end of the award period;

h) teachers granted leave under these conditions must enter into a bond, without sureties, providing for service after the leave as follows:

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<tr>
<th>Period of leave</th>
<th>Service after the leave</th>
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<tr>
<td>up to 6 months</td>
<td>1 year</td>
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<tr>
<td>more than 6 months and less than 1 year</td>
<td>2 years</td>
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<tr>
<td>more than 1 year and less than 2 years</td>
<td>3 years</td>
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<tr>
<td>more than 2 years</td>
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If a teacher does not fulfil the conditions of the bond (e.g. resigns before providing the required after-service), the bond liability is assessed and recovery action will be taken. Where a teacher has provided some after-service, credit for this on a pro rata basis is given to reduce the amount of liability.

The bond liability includes the following:

- all monies paid including salary and any sustenance allowances granted;
- employer superannuation contributions for the period of leave;
- the cost of incremental progression for the period of leave;
- the value of long service leave accrued during the period of leave.

Each case is considered individually in terms of the assessment and repayment of the outstanding bond liability.

4.15.2.2 Study Leave Without Pay to Accept a Non-competitive Award or Study Full Time

Teachers awarded a non-competitive scholarship or teachers who enrol in full time studies at a tertiary institution may be granted leave under the following conditions:
a) leave will only be granted for study which is relevant to the teacher’s professional development or of value to the Department;

b) teachers awarded a non competitive scholarship may be granted study leave without pay for the period of the award plus, where relevant, travelling time;

c) teachers who enrol in full time studies at a tertiary institution may be granted study leave without pay for the school year, the academic year or semester;

d) teachers will be given an option of entering into a bond to provide a period of after-service. Forms providing for this option will be sent to the teacher following receipt of an application for study leave;

e) teachers entering into a bond must provide service as follows:

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<th>Period of leave</th>
<th>Service after Leave</th>
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<tbody>
<tr>
<td>up to 1 year</td>
<td>1 year</td>
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<tr>
<td>Less than 2 years</td>
<td>2 years</td>
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<tr>
<td>More than 2 years</td>
<td>3 years</td>
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</table>

If a teacher does not fulfil the conditions of the bond (e.g. resigns before providing the required after-service), the bond liability is assessed and recovery action will be taken. Where a teacher has provided some after-service, credit for this on a pro rata basis is given to reduce the amount of liability.

The bond liability includes the following:

- all monies paid including salary and any sustenance allowances granted;
- employer superannuation contributions for the period of leave;
- the cost of incremental progression for the period of leave;
- the value of long service leave accrued during the period of leave.

Each case is considered individually in terms of the assessment and repayment of the outstanding bond liability.

f) Teachers who enter into a bond and who are contributors to the State Superannuation Scheme must maintain their personal contributions and the Department will pay the employer’s contributions. Teachers who are contributors to the State Authorities Superannuation Scheme must pay personal contributions in respect of the part months in which the leave commences and finishes.

g) Teachers who enter into a bond and complete the bond requirements will receive credit for the period of study leave as follows:

- Incremental credit for a maximum of two years or for the period of study leave whichever is the lesser;
- Irrespective of the period of bonded after service, on completion of five years service after resumption of duty, the total period of study leave will count for long service leave purposes.
h) The following conditions apply to teachers who do not enter into a bond:

- Superannuation requirements for teachers who are contributors to a State Government Superannuation scheme will be the same as for leave without pay. See Chapter 12, Superannuation for details;
- The period of study leave will not count for incremental purposes;
- If the period of study leave exceeds six months it will not count as service for long service leave purposes;
- If the period of study leave does not exceed six months it will count for long service leave purposes when the teacher has completed ten years credited service.

i) Teachers must submit short reports of their progress at six monthly intervals.

j) Dependent on the period of study leave taken and the overall staffing situation, teachers may be reappointed to their former position and/or school.

4.15.2.3 Study Leave on Half Pay for Completion of a Degree

Each year study leave on half pay is granted to a limited number of teachers with at least five years continuous satisfactory service who can complete a first degree in one year of full time study. The following conditions apply:

a) the course of study must be relevant to the teachers’ professional development or of particular value to the Department;

b) applicants will be selected having regard to teaching experience, service, progress in studies previously completed and courses to be completed;

c) teachers selected will be granted study leave on half pay from the first day of lectures to the day prior to the first working day following cessation of lectures;

d) school vacations occurring during the leave will be granted on full pay;

e) full credit for incremental and long service leave purposes will be granted for the period of leave;

f) teachers will have right of return to their former positions and/or schools;

g) successful applicants must provide documentary evidence that they will be attending a full time lecture program as leave is not available for external studies;

h) teachers are invited to apply for leave and notice calling for applications is published annually.

4.15.2.4 Study Leave on Full Pay for Two Days per Week

Each year a limited number of teachers who are undertaking approved part time tertiary courses are granted study leave on full pay for up to two days per week. The following conditions apply:

a) the courses undertaken are consistent with the teacher’s position with the Department. In some cases the teacher will be required to agree in writing to serve, if needed, for a period of three years in a manner utilising the study undertaken.
4 LEAVE PROVISIONS

b) the course is not available outside normal teaching hours.

c) the maximum period of leave is two days per week which must be taken in multiples of whole school days.

d) the principal agrees to the teacher’s release and there must be no major disruption to school staffing.

e) if required, an approved teacher must be available for part time relief.

f) teaching time, during absence on leave does not have to be made up.

g) leave will not be granted to undertake external courses.

h) teachers are invited to apply for leave and a notice calling for applications is published annually.

4.15.2.5 Study Leave on Full Pay for Two Hours per Week

Teachers undertaking approved tertiary courses may be granted study leave on full pay for travelling time and attendance at lectures for up to two hours per week. The following conditions apply:

a) the course is relevant to the teacher’s professional development or of value to the Department;

b) the course is not available outside school hours;

c) the principal agrees to the teacher’s release, and there is no major disruption to school staffing;

d) the maximum period of leave including travelling time must not exceed two hours;

e) teaching time, while absent on leave, does not have to be made up;

f) an approved teacher must be available, if required, for part time relief;

g) leave will not be granted to undertake external courses;

h) teachers are invited to apply for leave and a notice calling for applications is published annually.

4.15.2.6 Study Leave for External and Evening Studies

Teachers enrolled in external or evening courses of study relevant to the teacher’s professional development may be granted up to five days study leave per year. The following conditions apply:

a) teachers undertaking courses which lead to increases in status and/or salary are eligible for up to five days full pay study leave per year;

b) teachers enrolled in post graduate studies or a second degree related to a teacher’s professional development may be granted study leave without pay for up to five days per year;

c) where necessary, leave without pay or long service leave to credit may be granted where leave in excess of five days is required.

d) this leave is available:
• for travel and attendance at compulsory residential schools;

• to meet other compulsory course requirements such as field excursions, case studies, study visits and practical work;

e) study leave will not be granted to permit the completion of assignments, essays or other case studies which can be undertaken in the teacher’s own time;

f) applications for leave should be supported by a statement by the applicant stating:

• whether the course is being undertaken for improvement of salary and/or status as in a) above or for professional development as in b) above; and

• details of the compulsory program for which leave is sought;

g) teachers enrolled in approved part time tertiary courses which will result in an increase in status above three years trained are eligible for an allowance to assist with out of pocket expenses. Where applicable an additional allowance to assist with the cost of travel to compulsory residential schools or weekend excursions is also payable;

h) teachers are invited to apply for payment of this allowance and a notice calling for applications is published annually.
4.16 Vacation Leave

“Under Review” as a result of reforms arising from the 2009 teachers’ award outcome
4.17 Workers’ Compensation - Accident Leave

“Under Review” as a result of reforms arising from the 2009 teachers’ award outcome
# Professional and Legal Responsibilities of Teachers

## 5.1 Professional Responsibilities of Teachers

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## 5.5 Legislative Responsibilities of Teachers

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5.1 Professional Responsibilities of Teachers

5.1.1 Introduction

Teachers in the Education Teaching Service have a responsibility to ensure that students gain the knowledge and skills they require to become effective learners and ultimately effective and responsible citizens and understand and appreciate the values and beliefs supported by Australian society.

They also have a responsibility to meet the high standards of professional and ethical behaviour required by the Department, the public, parents and the profession itself.

Teachers undertake this responsibility within the framework of the law and lawful instructions from their employer.

The responsibilities listed below provide guidance for teachers as members of the teaching profession and will assist in giving direction to their interaction with teaching colleagues. They will also guide teachers in meeting the needs of students, in working with parents or caregivers and other staff, in liaising with the public and in being responsible and committed employees of the Department.

5.1.2 Professional Responsibilities

The following statement of professional responsibilities must be adhered to by all teachers.

In carrying out their duties and responsibilities all teachers must:

- be conscious of their special duty of care to the students of the NSW public education system in all educational activities in and out of school;
- demonstrate the highest standards of professional behaviour, exercise professional judgement and act in a courteous and sensitive manner when interacting with students, parents or caregivers, staff and the public;
- collaborate in the development of school plans, policies and programs;
- devise and document teaching and learning programs and develop and implement appropriate evaluation mechanisms;
- treat students equitably, including those with disabilities or other special needs;
- meet the individual learning needs of students and assist each student to maximise his or her learning outcomes;
- effectively manage and implement programs for child protection and student welfare;
- undertake appropriate ongoing professional development to promote competence in curriculum development, delivery and evaluation, classroom management and teaching skills;
- comply with legislative and industrial requirements and the Department’s Code of Conduct, policies, including The Use of Employer Communication Devices and procedures;
- be familiar with the provisions of legislation relevant to their official responsibilities;
- comply with reasonable directions given by a supervisor or principal and adhere to official guidelines concerning the performance of their duties;
• implement the priorities of the Department and the school and ensure their professional actions reflect Government and Departmental policy;

• be fair in exercising delegated responsibility and promote personal and professional development of staff;

• perform their duties efficiently and effectively and with honesty, integrity and fairness at all times;

• ensure that decisions are made fairly and conveyed promptly both within the Department and to those students and members of the public who have a right to know;

• use information gained in the course of employment only for proper and appropriate purposes;

• use public resources economically; and

• behave in such a manner as to protect and enhance the esteem and standing of public education. In particular:

  - teachers must not, under any circumstances, have sexual relationships with students. It is irrelevant whether the relationship is homosexual or heterosexual, consensual or non-consensual or condoned by parents or caregivers. The age of the students or staff member involved is also irrelevant;

  - teachers must not, under any circumstances, engage in conduct of a sexual nature with a student. Improper conduct of a sexual nature by a teacher against a student includes sexual intercourse and any other form of child sexual abuse (which must be notified) as well as but not limited to the following:

    * inappropriate conversations of a sexual nature;

    * obscene language of a sexual nature;

    * suggestive remarks or actions;

    * jokes of a sexual nature;

    * obscene gestures;

    * unwarranted and inappropriate touching;

    * sexual exhibitionism;

    * personal correspondence with students in respect of the teacher’s sexual feelings for the student; and

    * deliberate exposure of students to sexual behaviour of others, other than in the case of prescribed curriculum material in which sexual themes are contextual;

  - teachers must not give students alcohol or other drugs, nor will they encourage or condone the use of alcohol or other drugs by students. They may, however, administer or supervise the administration of prescribed medications consistent with Departmental guidelines.

  - teachers must not, under any circumstances, use any form of discipline which involves corporal punishment or engage in any form of behaviour which could cause physical or emotional abuse to students.
5.2 **Code of Conduct**

5.3 Child Protection

a) Departmental employees are required to report concerns about suspected risk of harm to children and young people to the Department of Community Services. In cases where there are child abuse allegations against Departmental employees and/or suspected risk of harm specifically related to the actions of an employee, they are also required to ensure that a report is made to the Child Protection Investigation Directorate within the Department.

5.4 Care and Supervision of Students

5.4.1 Introduction

It is crucial that every school and staff member actively provides for the protection, safety and welfare of students. Ensuring the protection, safety and welfare of each student helps create the foundation for an effective learning environment.

The Terms of Settlement shown below are the result of extensive negotiations between the Department and Federation regarding care and supervision of students.

5.4.2 Care and Supervision of Students - Terms of Settlement Between the NSW Department of Education and Training and the NSW Teachers Federation

PURPOSE

The purpose of the terms of settlement is to clarify the responsibilities of principals and teachers in regard to the supervision of students within school grounds.

PRINCIPLES

This terms of settlement between the NSW Department of Education and Training (DET) and the NSW Teachers Federation on the Care and Supervision of Students recognises:

- the duty of care owed by the DET through its staff to students;
- principals and teachers have a responsibility for the protection, welfare and safety of students in school grounds when the school is open;
- parents (inclusive of guardians and legal guardians), caregivers, students, transport providers, police and members of the public have a role to play in ensuring the protection and welfare of students in travelling to and from schools. Principals and teachers have an educative role to assist in providing for the welfare and safety of students in travelling to and from school;
- the commitment of teachers and the DET in providing a safe learning environment for students;
- the goodwill of teachers in providing a range of extra curricula activities for students; and
- the need for supervision arrangements to have regard to the wide range of responsibilities of teachers including timetabled class time, less preparation, professional development and administrative tasks.

DUTY OF CARE

The duty of care owed by the Department through its staff to students arises directly from the special relationship between teachers and students. It derives from the fact that students up to the age of fifteen years are required by law to attend school and parents are required by law to send them to school.

The duty of care is a duty to take reasonable measures to protect students against risks of injury which reasonably could have been foreseen. The duty of care has been expressed by the courts as requiring teachers to take such measures as in all the circumstances are reasonable to prevent injury to the student. The duty is not to ensure that there is no injury but to take reasonable care to prevent injury which could reasonably have been foreseen.
This duty of care will arise whenever a teacher/student relationship exists. In the instance of playground supervision, the following apply regarding this duty of care:

- A teacher is to take such measures as are reasonable in the circumstances to protect a student under the teacher’s care from risk of harm that the teacher should have reasonably foreseen. This requires not only protection from known hazards, but also protection from those that could foreseeably arise and against which preventative measures could have been taken.

- A higher standard of care is required for younger students and those with disabilities. Generally speaking, the less experienced the student, the higher the standard of care the Courts will expect to be exercised.

- The school principal is responsible for making and administering arrangements for adequate playground supervision. Teachers are responsible for carrying out their assigned supervisory duties in such a way that students are, as far as can reasonably be expected, protected from harm.

- A teacher’s duty of care will arise whenever there is a teacher/student relationship and not just when the teacher is assigned for supervision duties eg. if a teacher walks through the school grounds or buildings and becomes aware of a situation that is putting students at risk, the duty of care would require taking reasonable steps to rectify the situation.

CUSTOM AND PRACTICE

In meeting the duty of care, for many decades principals have been responsible for making arrangements for the effective supervision of students in the school grounds during the period of half an hour before school work begins in the morning, taking into account the risk of harm to students and the workload of teachers.

The hours of duty as specified in regulations, determinations, handbooks and legislation are -

Teachers are required to be on duty at their schools half an hour before school work begins in the morning and may be required to be present, if thought necessary by the teacher in charge of the school, for half an hour after the dismissal of the school in the afternoon. Where special circumstances arise which, in the interest of the school, necessitate attendance beyond these hours, the attendance of the staff may be required.

The practice in secondary schools has varied from the practice in primary schools.

In secondary schools, by custom and practice, the requirement for all high school teachers to be in attendance for a half hour before classes begin in the morning for the purposes of supervision has not been enforced. This was explained by the then Director-General in a memorandum to all Principals dated 10 September 1981:

"Some years ago the teacher day in high schools was extended by a half-hour in order to provide for a sports afternoon. At that time, the requirement for high school teachers to be in attendance for a further half-hour before classes in the morning was not enforced, but this situation was varied in the late 1950's to provide for a teacher being on duty and available to attend to problems if the need arose during the pre-class period."

There has, however, been a requirement for some secondary school teacher(s) to be assigned to whole school supervision duties in the school grounds in the half hour before commencement of classes. Only the number of teachers required to ensure effective supervision have been required to be in attendance.

In practice this has not been adhered to strictly in all secondary schools and various forms of supervision have been in place in the half hour before school commences.
In larger primary schools the practice has been for teachers to be assigned to provide supervision of students during the half hour before lessons commence, usually at 9.30 am. In smaller primary schools supervision arrangements are consistent with the smaller number of students and staff, and are more informal in nature.

SCHOOL SUPERVISION PLAN

1. Recognising the duty of care to students and the principles and past custom and practice outlined above, the parties agree that all schools will have a formal supervision plan which provides for the effective supervision of students in the half hour before normal classes begin and during recess and lunch time.

2. Principals and teachers at each school are in the best position to identify reasonably foreseeable risks and put in place arrangements which are reasonable to protect students against injury.

3. The principal is responsible for the development, implementation and evaluation of the student supervision plan in consultation with staff. A feature of this should be fairness and equity. Principals should consider the views of students and the parent bodies in the development of this plan.

4. The plan should be based on a comprehensive assessment of risk, taking into account factors relevant to the school such as: the age, number and nature of students; the finishing time of kindergarten classes; the layout and terrain of the school grounds, including split sites; proximity of play areas to busy roads; fixed playground equipment; climatic conditions; the activity being undertaken; emergency situations; potential hazards; transport arrangements; as well as the duties and workload of individual teachers.

5. Under this plan, and recognising specific school conditions, supervision usually involves actual teacher presence in the playground and/or buildings where students are present, or teacher observation of students from the point in the school which provides ready access to those students. Where this is impractical in small primary schools the plan must specify how the supervision is to be provided to ensure that the duty of care is met.

6. The duty of care must be exercised from the time the school formally accepts the present of students half an hour before normal classes begin until they safely depart the school after normal classes finish.

7. Special arrangements apply in relation to school activities such as excursions and sporting activities conducted outside the school grounds.

8. The supervision plan should specify the supervision arrangements and responsibilities of teachers at various times throughout the day and be distributed to all teachers including new teachers and casual teachers. Teachers should be given the opportunity to clarify their understanding of the plan and their role in it. The supervision plan should be communicated to parents and caregivers and be accessible to visitors to the school.

9. Parents are to be informed of the opening hours of the school.

10. The Principal should ensure that students understand the supervision arrangements throughout the school day. Students should be informed of where the supervisory teacher(s) are on duty. Students should be instructed to seek the help of a supervisory teacher in situations which demand it. Students should be instructed as to what constitutes unsafe activities.

11. Any variations to school hours should include an assessment of the impact on school transport arrangements and school supervision requirements.

12. A copy of the supervision plan is to be forwarded to the district superintendent.
SUPERVISION BEFORE AND AFTER NORMAL SCHOOL LESSON TIME

It is not the responsibility of schools to provide free child minding services for students for extended periods before and after school. Schools are not expected to provide supervision for students any earlier than the half hour before normal school classes commence in the morning. When normal classes finish in the afternoon it is expected that students will safely depart the school. Parents must be made aware of this.

Primary Schools

In primary schools the age of students is a major factor in determining the nature and level of supervision. In larger primary schools supervision is to be provided by assigned teachers during the half hour before lessons commence, usually at 9.30 am. This supervision will usually involve teachers observing and being seen to observe. In smaller primary schools supervision arrangements for the half hour before school commences may be consistent with the smaller number of students and will usually involve observation of students from a point in the school that provides ready access to the students.

Secondary Schools

In secondary schools there will be more flexibility in before school supervisory practices in recognition of the age of students and the increasing variations in school hours and patterns of attendance. Supervision in the half hour before school begins, usually at 9.00 am, is to be determined by the principal in consultation with the staff. This Supervision plan must address the requirements of duty of care and is to be based on a range of local factors including an assessment of student travel patterns, the usage by students of school grounds before normal lessons commence and the history of before school supervision needs.

The NSW Teachers Federation has made representations to the DET that the nature of before school supervision in secondary schools, as determined by the principal in consultation with the staff and detailed in the memorandum 87/239 "Policy on the Supervision of Students", the aspect of the 1987 second tier salaries settlement dealing with "Student Care" and memorandum 88/120 "Policy on the Supervision of Students", has generally proven satisfactory and appropriate to local circumstances. The parties agree that the nature and adequacy of this supervision, particularly in meeting duty of care requirements, is to be evaluated by the principal in consultation with the staff in each secondary school during term 2, 1998 and submitted to the district superintendent.

ASSISTING STUDENTS TO TRAVEL SAFELY TO AND FROM SCHOOL

1. Schools and parents have a responsibility to promote appropriate behaviour and the safety of students travelling to and from school. School policies should include statements covering appropriate behaviour in travelling to and from school.

   Schools should support parents in developing appropriate standards of behaviour for students travelling to and from school. Schools also have a responsibility to develop educational programs that will reinforce both community and parental standards. Community groups, including other government authorities, should be invited to contribute to these programs.

   Students also have a responsibility to meet community, school and parental expectations in this regard. This should be brought to the attention of parents. Students have a responsibility to behave in appropriate ways and to ensure both their own safety and that of other students.

   Particular care needs to be taken by parents in and around schools when collecting students, particularly young students. In this regard schools should bring any concerns about dangerous practices in and around schools to the attention of parents and the appropriate authorities.
2. School supervision plans need to address the safe arrival and departure of students at and from the school. There must be a realistic assessment of the responsibilities of each individual school for the safety of pupils attending that school.

Senior officers of the Department and NSW Teachers Federation will initiate discussions with the Staysafe Committee, the Police Department, Local Government Authorities and the Roads and Traffic Authority to clarify their responsibilities and to promote a safe environment in the immediate vicinity of schools.

In the meantime it is expected that existing practices related to bus supervision and road crossing specific to particular schools would continue.

3. Senior officers of the Department and NSW Teachers Federation will arrange for a "risk assessment" to be carried out on a trial basis in and about a sample of school grounds to assist in the provision of a safe environment for students and staff and to inform the parties in the implementation of the terms of settlement.

The senior officers of the Department and NSW Teachers Federation will consider:

a) The needs of students who may be present before or after ordinary school hours
   i) in or near school premises
   ii) leaving or waiting for school buses
   iii) are crossing busy nearby/adjacent busy thoroughfares

b) The effect on supervision of a range of factors including
   i) age of students
   ii) nature of traffic flow near the school
   iii) bus timetables
   iv) physical and geographical layout of the school
   v) bus loading and unloading areas
   vi) the time for which students may need supervision
   vii) responsibility of parents collecting students
   viii) appropriate education programs for children travelling on school transport.

4. A checklist of measures that schools have initiated to promote the safe arrival and departure of students will be prepared and distributed to all schools.

LIABILITY

When a student is injured while in the care of the school, it is possible that legal action will be taken. If this occurs, it is invariably the State of New South Wales that is sued rather than individual schools or staff members. This is because the Department, like all employers, is vicariously liable for acts and omissions of its employees at work. Teachers should not be concerned about incurring any individual liability provided that the teacher is not guilty of serious and wilful misconduct.

In some rare cases teachers or executive staff members are sued either individually or together with the State of New South Wales. In those rare instances the NSW Department of Education and Training seeks Crown representation for the staff member involved.
Crown representation means that the NSW Solicitor’s Office acts for the staff member and the State meets all costs and verdicts.

DISPUTE RESOLUTION PROCEDURES

Subject to the provisions of the Industrial Relations Act 1996, should any dispute (including a question or difficulty) arise about the implementation of the terms of settlement, then the following procedures shall apply:

1. Should any dispute, question or difficulty arise as to matters arising from implementation of the terms of settlement in a particular workplace, then the employee and/or Federation workplace representative will raise the dispute, question or difficulty with the principal/supervisor as soon as practicable.

2. The principal/supervisor will discuss the matter with the staff member and/or Federation representative within two working days with a view to resolving the dispute, question or difficulty or by negotiating an agreed method and time frame for proceeding.

3. Should the above procedure be unsuccessful in producing a resolution of the dispute, question or difficulty or should the matter be of a nature which involves multiple workplaces, then the individual staff member or the Federation may raise the matter with an appropriate officer of the Department with a view to resolving the dispute, question or difficulty or negotiating an agreed method and time frame for proceeding.

4. Where the procedures in paragraph 3 above of this subclause do not lead to resolution of the dispute, question or difficulty, the matter will be referred to the General Manager of Personnel of the Department and the General Secretary. They or their nominees will discuss the dispute, question or difficulty with a view to resolving the matter or by negotiating an agreed method and time frame for proceeding.

5. Should the above procedures not lead to a resolution, then either party may make application to the Industrial Relations Commission of NSW.

MONITORING

The parties will monitor the implementation of the terms of settlement.
5 PROFESSIONAL AND LEGAL RESPONSIBILITIES OF TEACHERS

5.5 Legislative Responsibilities of Teachers

5.5.1 Introduction

Teachers are subject to the laws of the State and the Commonwealth in the same way as other citizens. Some Acts and regulations have a specific application or relevance to teachers and in some instances impose additional obligations on teachers.

This section identifies some of the key statutory responsibilities of teachers and summarises provisions that are of particular relevance.

5.5.2 Education Act 1990

The provisions of some relevant sections of the Act are summarised below:

5.5.2.1 Objectives for Administration of this Act or of Education, Section 6

It is the intention of Parliament that every person concerned in the administration of this Act or of education for children of school-age in New South Wales is to have regard (as far as is practicable or appropriate) to the following objects:

- assisting each child to achieve his or her educational potential;
- promotion of a high standard of education in government schools which is provided free of charge for instruction and without discrimination on the ground of sex, race or religion;
- encouraging innovation and diversity within and among schools;
- provision of an education for children that gives them access to opportunities for further study, work or training;
- mitigating educational disadvantages arising from the child’s gender or from geographic, economic, social, cultural, lingual or other causes;
- provision of an education for Aboriginal children that has regard to their special needs;
- development of an understanding of Aboriginal history and culture by all children;
- provision of an education for children from non-English speaking backgrounds that has regard to their special needs;
- recognition of the special problems of rural communities, particularly small and isolated communities;
- provision of opportunities to children with special abilities;
- provision of special educational assistance to children with disabilities;
- development of a teaching staff that is skilled, dedicated and professional;
- provision of opportunities for parents to participate in the education of their children;
- provision of an education for children that promotes family and community values.
5.5.2.2 Register of Enrolments and Attendances, Section 24

The principal must keep a register in a form approved by the Minister, of the enrolments and daily attendances of all children at the school.

The register must be available for inspection during school hours by an inspector from the Office of the Board of Studies or other person authorised by the Minister, who may require the principal of the school to furnish a copy of the register or any part of it.

When required to do so by the Minister, the principal must furnish to the Minister information, within a time and in a form approved by the Minister, concerning the enrolment and attendance of children at the school during a specified period.

The particulars of enrolments and daily attendances recorded in a register must be retained for such period as the Minister may determine.

A principal who without reasonable excuse fails to comply with any of the above requirements is guilty of an offence.

5.5.2.3 Instruction to be Free, Section 31

The instruction provided in government schools is to be free of charge.

5.5.2.4 Special Religious Education, Section 32

In every government school, time is to be allowed for the religious education of children of any religious persuasion, but the total number of hours so allowed in a year is not to exceed, for each child, the number of school weeks in the year.

The religious education to be given to children of any religious persuasion is to be given by a member of the clergy or other religious teacher of that persuasion authorised by the religious body to which the member of the clergy or other religious teacher belongs.

The religious education to be given is in every case to be the religious education authorised by the religious body to which the member of the clergy or other religious teacher belongs.

The times at which religious education is to be given to children of a particular religious persuasion are to be fixed by agreement between the principal and the local member of the clergy or other religious teacher of that persuasion.

Children attending a religious education class are to be separated from other children at the school while the class is held.

If the relevant member of the clergy or other religious teacher fails to attend the school at the appointed time, the children are to be appropriately cared for at the school during the period set aside for religious education.

5.5.2.5 Objection to Religious Education, Section 33

No child at a government school is to be required to receive any general religious education or special religious education if the parent of the child objects to the child’s receiving that education.

5.5.2.6 Admission to Government Schools, Section 34

The parent of a child may enrol the child at any government school if the child is eligible to attend the school and the school can accommodate the child.
A child is, in any case, entitled to be enrolled at the government school that is designated for the intake area within which the child's home is situated and that the child is eligible to attend.

The Director-General is to designate intake areas, and the government school or schools for each such area, so that all school-age children in the State will be eligible to attend a government school.

The Minister may refuse the admission of a child to all or any government schools if:

- the child has been expelled from any government school; or
- the Minister is of the opinion that there is other sufficient reason to do so.

A child is not to be refused admission to a government school because of the child's race or religion.

**5.5.2.7 Discipline in Government Schools, Section 35**

The Minister may control and regulate student discipline in government schools.

The Minister may prepare guidelines for the adoption by government schools of fair discipline codes that provide for the control and regulation of student discipline in those schools (except for the suspension or expulsion of students).

The guidelines and codes must not permit corporal punishment of students attending government schools.

The guidelines and codes may permit other reasonable forms of punishment or correction of those students, including requiring students to perform any reasonable work or service for the school.

The Minister may establish programs to assist any child who has a history of non attendance at or has been expelled from a government school to adjust more successfully to school life or to improve their behaviour so as to be able to return to school.

The Minister may, on the recommendation of the Director-General, expel a child of any age from a government school. The Director-General may suspend any child from a government school.

**5.5.3 Teaching Services Act 1980**

This Act among other things establishes the Education Teaching Service and governs the employment, termination and discipline of teachers. Many of the provisions under the Act affect teachers and are dealt with elsewhere in this handbook, namely Section 5.2 Code of Conduct and Section 5.7 Discipline Guidelines.

Teachers who become bankrupt are required under Section 88 of the Act to notify the Director-General and to provide a written explanation of the cause of their bankruptcy.

**5.5.4 Education Teaching Service Regulation 2001**

The term "teacher" in this section is used as defined by the *Education Teaching Service Regulation 2001*, that is an officer or temporary employee of the Education Teaching Service, whether a member of the teaching staff, administrative staff or any other staff of the Service.

The provisions of some relevant clauses of the Regulation are summarised below.
5.5.4.1 Compliance with Statutory Conditions of Service, Clause 5

All teachers must acquaint themselves with the statutory conditions of service.

The person in charge of a school, school department or establishment must ensure that copies of:

- the *Teaching Services Act 1980*; and
- this Regulation; and
- all determinations relating to conditions of employment, including salaries, wages or other remuneration under Section 25 of the *Teaching Services Act 1980* in relation to teachers

are kept in the school, school department or establishment for the use of teachers.

The person in charge of a school, school department or establishment must report to the Director-General any breach of the statutory conditions of service that comes to the person's knowledge.

5.5.4.2 Compliance with Directions, Clause 6

A teacher must immediately comply with all lawful directions given by the person under whose control or supervision the teacher is placed.

A request for the review of a direction may be made by or on behalf of one or more teachers by means of a notice in writing given to the person by whom the direction was given.

The person with whom the request is lodged must immediately send it to the Director-General or to an authorised officer.

The making of a request for the review of a direction does not relieve a teacher of his or her obligation to comply with it as far as is reasonably practicable.

5.5.4.3 Scope of Duties, Clause 7

In addition to performing the specific duties attached to the position to which the teacher is appointed, a teacher must:

- participate actively in all corporate interests of the school, school department or establishment in which the teacher is employed; and
- undertake such other duties as may be assigned to the teacher by the person in charge of that school, school department or establishment.

5.5.4.4 Disclosure of Information, Clause 8

A teacher must not:

- except in the discharge of official duties, use any information gained by or conveyed to the teacher in the course of those duties; and
- without the express direction or permission of the Minister or the Director-General, disclose (whether directly or indirectly) any such information.
5.5.4.5 Management of Schools, Clause 10

A teacher who is in charge of a school, school department or establishment must manage the school, school department or establishment in a proper, efficient and economic manner. The teacher's obligations include:

- having well-stated policies and plans of action, clearly defined goals, a balanced, sequential and appropriate curriculum and suitable mechanisms for supervision, evaluation and documentation that ensure co-ordination of all school activities, continuity of policy and good communication;

- encouraging and assisting the professional development of members of staff without discrimination, as required by the Anti-Discrimination Act 1977;

- making effective and economic use of resources;

- ensuring discipline;

- encouraging teachers to submit suggestions for increasing the efficiency of staff;

- training teachers and providing opportunities and facilities for them to improve themselves in matters connected with their official duties:
  - by attendance at courses organised by or for the school, school department or establishment; and
  - by attendance at suitable lectures and courses at tertiary institutions.

5.5.4.6 Medical Examination, Clause 11

For the purpose of ascertaining the fitness of a teacher to perform his or her duties, the Director-General may direct the teacher to submit to a medical examination by a qualified medical practitioner selected by the Director-General.

The teacher must comply with the direction.

5.5.4.7 Director-General to be Notified of Serious Offences Committed by Members of Staff, Clause 20

A teacher who is charged with or who is found guilty of an offence referred to in Section 86 of the Teaching Services Act 1980 (a serious criminal offence committed in New South Wales or elsewhere) must immediately report that fact to the Director-General.

On becoming aware of the fact that a teacher has been charged with or found guilty of such an offence, the person in charge of the school, school department or establishment in which the teacher is employed must also immediately report that fact to the Director-General.

5.5.5 Children and Young Persons (Care and Protection) Act 1998

Teachers are mandatory reporters of children at risk of harm under Section 27 of the Children and Young Persons (Care and Protection) Act 1998.

5.5.6 Crimes Act 1900

The Crimes Act 1900 sets out the majority of crimes and their punishment.
There are some provisions in the Act which have specific application to teachers and in some instances even prescribe a higher penalty for teachers. These sections include the following:

- **Carnal knowledge by teacher, etc, Section 73**
- **Attempt or assault with intent, Section 74**

It is an offence currently punishable by eight years imprisonment for a teacher to have sex with or by any means attempt or assault with intent to have sex any female pupil between the age of sixteen and seventeen years.

It is of course an offence to have or attempt to have sexual intercourse with a child under the age of sixteen years. Pursuant to Section 66C any person who has sexual intercourse with a child of or above the age of ten years and under the age of sixteen years and which person whether generally or at the time of the sexual intercourse has the child under their authority (i.e. a teacher) will be liable to ten years imprisonment. By virtue of Sections 66A and 66B (attempt or assault with intent) if the child is under ten years of age the penalty is twenty years imprisonment. Pursuant to Section 61H(1) “sexual intercourse” is very broadly defined. The Act also extends to indecent acts and assaults as well as inciting a child to commit an act of indecency.

It is an offence under the *Crimes Act* for anyone to have sex with a male under eighteen years of age. The maximum penalty available is much greater if the person involved is a teacher.

It is an offence punishable by a fine and/or imprisonment for up to two years to possess any child pornography.

The publication of child pornography which includes distribution, circulation, selling or hiring carriers and maximum penalty of five years imprisonment and/or a substantial fine.

### 5.5.7 Anti-Discrimination Act 1977

Teachers are required to comply with the provisions of the *Anti-Discrimination Act 1977*. The Act provides that certain types of discrimination, harassment and vilification are unlawful in a wide range of circumstances. These types or grounds include race, sex, homosexuality, marital status, disability, carer responsibilities, age and transgender. The provisions extend to encompass discrimination against a person because of the characteristics of that person’s relatives or associates.

Discrimination can be direct or indirect:

- Direct discrimination may arise where a person is treated unfairly or unequally merely because they belong to a particular group or category of persons.

- Indirect discrimination may arise where a person is subject to a requirement (rule, practice, policy or procedure) which although the same for everyone, has in practical effect an unequal or disproportionate result on a particular group of persons that that person belongs to. Unless the requirement is reasonable in all the circumstances then it will be generally regarded as indirect discrimination.

It is illegal for an education authority to discriminate on the grounds listed above in enrolling students or in the basis on which students are enrolled.

### 5.5.8 Occupational Health and Safety Act 2000

The *Occupational Health and Safety Act 2000* and associated legislation such as the *Dangerous Goods Act 1975* and regulations place specific responsibilities on all persons at the workplace. Employees must take reasonable care of the health and safety of others including visitors. Employees must co-operate with employers in their efforts to comply with occupational health and safety requirements (Section 20 of the Act).
No person must interfere with or misuse things provided for the health, safety and welfare of persons at work, obstruct or hinder attempts to give aid or attempts to prevent a serious risk to the health and safety of a person at work or refuse a reasonable request to assist in giving aid or preventing a risk to health and safety (Sections 21 and 24A of the Act). The Act also prescribes penalties for various breaches of the Act.

5.5.9 **Freedom of Information Act 1989**

This Act among other things provides the right of public access to many documents held by Government agencies, such as the NSW Department of Education and Training subject to a number of specified exceptions. The exceptions are quite numerous and include documents containing information of a confidential business or personal nature, documents covered by legal privilege and documents which could affect the economy of the State.

Applicants do not have to give a reason to see any documents, but the NSW Department of Education and Training must give an explanation if the documents requested are not provided. An appeal mechanism is available.

An application fee currently $30 applies and processing charges may also be applicable.

5.5.10 **Public Finance and Audit Act 1983**

This Act makes provision for the administration and audit of public money and public property among other things.

5.5.11 **Privacy and Personal Information Protection Act 1998**

This Act impacts broadly on the collection, storage and use of personal information by Public Sector Agencies. Teachers are responsible directly or indirectly for the collection and use of a vast amount of personal information concerning students. The Act also applies to personal information obtained by the Department in relation to staff, parents and other community members.

Further information on the Act and its implications for staff may be found in the Privacy Bulletins issued to schools and in the Department’s Privacy Code of Practice.

5.5.12 **Child Protection (Prohibited Employment) Act 1998**

It is an offence under this Act for a prohibited person to seek or engage in child related employment. A prohibited person is someone who has been convicted of a serious sex offence.

It should be noted that this Act applies to both paid and volunteer workers.
5.6 Policy for Members of the Education Teaching Service on the Issuing of Personal References to Other Staff Members

5.6.1 Department's Policy on the Provision of Personal References

Members of the Education Teaching Service should refer to the current departmental policies relating to the provision of personal references which are available on the Department’s intranet site at:

5 PROFESSIONAL AND LEGAL RESPONSIBILITIES OF TEACHERS

5.7 Discipline Guidelines

5.7.1 Overview

This section provides the legislative framework and Departmental procedures for dealing with breaches of discipline by teachers.

5.7.2 What is a Breach of Discipline?

Section 83 of the Teaching Services Act 1980 states that a member of the teaching service who:

a) commits any breach of this Act or the Regulations;
b) engages in any misconduct;
c) uses intoxicating beverages or drugs to excess:
d) wilfully disobeys, or wilfully disregards, any lawful order made or given by a person having authority to make or give the order;
e) is negligent, careless, inefficient or incompetent in the discharge of their duties; or
f) engages in any disgraceful or improper conduct;

is guilty of a breach of discipline.

An alleged breach of discipline is dealt with by the Director-General or a prescribed officer. A prescribed officer is an officer holding or acting in the position of deputy director-general, assistant director-general, general manager, executive director, director or district superintendent who has been appointed by the Director-General to deal with the charge.

5.7.3 Disciplinary Process

A teacher who has committed a breach of discipline under Section 83 of the Teaching Services Act 1980 and who is issued with a notice of charge must respond within the time specified in the notice of charge which is usually fourteen days. Teachers may seek independent advice prior to preparing their response to the charges.

If the teacher admits the charge(s) the prescribed officer who issued the notice of charge will consider the evidence and may recommend or impose one or more of the penalties listed in Section 5.7.4.

If the teacher denies the charge(s) or does not reply to the notice of charge, a prescribed officer other than the prescribed officer who issued the original notice of charge will be appointed to deal with the alleged breach of discipline.

The prescribed officer either considers the matter through the Departmental reports and the teacher's written reply or conducts an inquiry. When the prescribed officer makes a finding, the prescribed officer will advise the teacher of the finding.

Where there is a finding that the charge(s) is proven, or where the teacher admits to the charge(s), the prescribed officer will invite the Department and the teacher to make a submission on penalty. The prescribed officer can then impose one or more of the penalties listed in Section 5.7.4.
5.7.4 What Penalties Apply?

When a teacher is found guilty of a breach of discipline Section 85 of the Teaching Services Act 1980 provides that the Director-General may impose one or more of the penalties listed below:

a) caution;

b) reprimand;

c) fine;

d) reduce rate of salary or wages;

e) reduce to a lower classification or position;

f) dismiss; and/or

g) direct or allow resignation within a set period.

A prescribed officer may impose one or more of the above penalties as described in points a) to e) or can recommend f) and g) to the Director-General.

When a permanent teacher on probation is found guilty of a breach of discipline the Director-General or a prescribed officer may decide to annul the teacher's appointment.

5.7.5 Duties of Teachers During the Discipline Process

Where a teacher has been charged with a breach of discipline or is charged criminally with having committed a serious offence, under Section 87 of the Teaching Services Act 1980 the Director-General or prescribed officer may:

- direct the teacher to alternative duties;
- direct the teacher to work in another location;
- direct the teacher not to attend work; or
- in exceptional circumstances suspend the teacher from duty without pay e.g. where a teacher has been convicted of a serious criminal charge, has been remanded in custody, or has admitted to behaviour that under the circumstances renders the teacher unfit to continue in employment.

5.7.6 Reporting of Criminal Charges

The Education Teaching Service Regulation 2000 clause 20 requires teachers to report to the Director-General any finding of guilt in respect of a serious criminal charge brought against them. A serious criminal charge is defined as one which carries a maximum penalty of twelve months or more imprisonment.

In such cases Section 86 of the Teaching Services Act 1980 provides that the Director-General may impose penalties as per Section 5.7.4 above.
5.8 Crown Representation in Criminal and Civil Proceedings

5.8.1 Criminal Proceedings

When a teacher has been charged with a criminal offence or criminal proceedings are imminent and the matter arose out of or is related to the teacher’s employment, the teacher may seek Crown representation. If Crown representation is sought the following procedures are to apply:

a) the teacher must make a written application requesting that Crown representation be provided. The application must be accompanied by a report that provides a full disclosure of all relevant facts giving rise to the criminal proceedings. The application and report should be provided to the principal who will forward the documents to the district superintendent. In the case of a principal, the documentation should be forwarded directly to the district superintendent. Any application for Crown representation should be made as soon as possible after the teacher has been charged or becomes aware that the criminal proceedings are imminent;

b) once a request for Crown representation is made, an investigation of the matter will be undertaken at the direction of the district superintendent. The principal should prepare a report for the district superintendent whilst in relation to a principal the investigation and report should be undertaken by the district superintendent;

c) the district superintendent must at the earliest opportunity forward the papers to the General Manager of Personnel with an indication of whether the request by the teacher for Crown representation should be supported. If considered necessary by the General Manager of Personnel or the district superintendent, the principal/teacher involved can be asked to provide further information;

d) when the documentation is received from the district superintendent, the teacher’s legal position will be assessed and a determination will be made whether to support the request for Crown representation;

e) if a determination is made to support the request a report will be submitted to the Attorney General with whom the final decision as to whether Crown representation should be granted rests. The nature of the Departmental recommendation will reply on the outcome of the investigation undertaken and will include an assessment of the extent to which the teacher has disclosed relevant facts;

f) if Crown representation is granted, the Crown will thereafter provide legal representation in the proceedings. If during the course of the hearing, it appears that the teacher has acted unreasonably and/or has not made a full disclosure in the Departmental investigation, the representation may be withdrawn. In such circumstances, any costs incurred may be the responsibility of the teacher;

g) if it appears that the teacher has not made a full disclosure, disciplinary action may be initiated against that person. Depending on the circumstances, the Crown may agree to meet the teacher’s legal costs to that date;

h) if Crown representation is granted, the teacher is entitled to be indemnified against any legal costs relating to the criminal proceedings. The indemnification does not extend to the payment of any fine, penalty of criminal compensation the teacher may be required to pay. The provision of Crown representation may be subject to any conditions the Attorney General or the Director-General of the Attorney General’s Department consider appropriate.
5.8.2 Civil Proceedings

a) Teachers on very rare occasions may be joined as parties to civil proceedings commenced by persons alleging negligence against the Department. In most instances, these proceedings will arise from accidents to students who are injured while at school. Teachers will generally be joined in such proceedings because they were the supervising teachers at the time of the incident that gave rise to the injuries claimed.

b) The Department as an employer is vicariously liable for the negligent acts of its employees. The *Employees Liability Act 1991* provides that employers cannot seek contribution or indemnity from an employee unless the conduct of the employee constitutes serious and wilful misconduct or it did not occur in the course of and did not arise out of the employment of the employee.

c) Teachers who are named as parties to litigation against the Department can seek Crown representation by following similar procedures as set out for criminal offences. A full and frank disclosure of all relevant facts should be made and forwarded through the principal to the General Manager of Personnel or in the case of a principal, directly to the General Manager of Personnel.

d) Upon receipt, the report will be assessed and if the conduct of the teacher does not give rise to serious or wilful misconduct and occurred and arose in the course of their employment the party commencing proceedings will be contacted. The party commencing the proceedings will be requested to remove the name of the teacher from the proceedings before the court. This action is in line with the Department’s obligations to accept liability for the actions of its staff who act within the scope of their duties in the course of their employment.

e) If the party commencing proceedings refuses to remove the teacher from the proceedings, a recommendation will be made to the Attorney General, with whom the final decision rests, to afford the teacher Crown representation in the case. Again, any recommendation to the Attorney General will be dependant on the teacher involved making a full and frank disclosure of the facts surrounding the incident that is the subject of the legal proceedings.

f) If Crown representation is granted, the Crown will thereafter assume liability whatever may be the result and will indemnify the teacher against any verdict and/or costs that may be awarded. If during the course of the hearing it appears the teacher has acted unreasonably or has not made a full and frank disclosure, Crown representation may be withdrawn and any costs incurred or damages awarded may become the responsibility of the teacher. Disciplinary action may also be initiated against the teacher.

g) If Crown representation is granted, the teacher is entitled to be indemnified in respect of any legal costs incurred and any verdict that may be awarded against the teacher. The indemnity does not extend to any punitive or exemplary damages awarded where the teacher has engaged in serious or wilful misconduct. The provision of Crown representation may be subject to any conditions the Attorney General or the Director-General of the Attorney-General’s Department consider appropriate.
5.9 Internal Reporting of Protected Disclosures


b) This policy describes an internal reporting system for disclosing suspected corruption, maladministration or serious and substantial waste that complements normal communication channels between supervisors and staff. Staff are encouraged to continue to raise concerns at any time with their supervisors, but also have the option of making a protected disclosure in accordance with the policy.

c) This policy should be read in conjunction with the Department’s procedures for Responding to Suggestions, Complaints and Allegations 01/084 (S.069) which are available on the Department’s internet site at: http://www.det.nsw.edu.au/policies/complain/index.htm. See Section 3.1, Responding to Suggestions, Complaints and Allegations for more details on these procedures.
## 6 Occupational Health and Safety

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6.1 Introduction

Occupational health and safety concerns the health, safety and welfare of all people in the workplace. The overarching emphasis is on the prevention of work-related incidents, illness, disease and injury. Safe and healthy workplaces depend on safe people, safe systems of work, safe property and plant and safe work environments.

The Department of Education and Training (DET) as employer is committed to ensuring a safe and healthy working environment in public schools in NSW.
6.2 NSW Occupational Health and Safety Legislation

It is the responsibility of DET, its employees and others in the workplace to comply with the NSW OHS Act 2000 and OHS Regulation 2001.

6.2.1 The NSW Occupational Health and Safety Act 2000

The OHS Act aims to protect the health, safety and welfare of people in the workplace. It sets out the legal obligations of employers to ensure a safe working environment for all employees, contractors and workplace visitors. It requires employers to consult with employees about issues that might affect their health, safety and welfare and to share information with them about these issues. Employees are to be given the opportunity to express their views and contribute their ideas for resolving OHS issues.

6.2.2 The NSW Occupational Health and Safety Regulation 2001

The OHS Regulation replaces all regulations made under the Occupational Health and Safety Act 1983. It establishes the legal framework for managing health and safety and gives particular emphasis to risk management and workplace consultation on OHS.
6.3 Rights and Responsibilities

6.3.1 Duties of Employers

An employer must ensure the health, safety and welfare at work of all of its employees.

This duty extends to the following:

- Maintaining places of work under its control in a safe condition and ensuring safe entrances and exits.
- Making arrangements for ensuring safe use, handling, storage and transport of plant and substances.
- Providing and maintaining systems of work and working environments, that are safe and without risk to health.
- Providing information, instruction, training and supervision necessary to ensure the health and safety of employees.
- Providing adequate facilities for the welfare of employees.

An employer must ensure that non-employees (students, visitors, etc) are not exposed to risks to their health or safety arising from the conduct of the employer’s undertaking while they are at the employer’s place of work.

6.3.2 Duties of Employees

Employees must:

- Take reasonable care for the health and safety of themselves and others at the workplace.
- Co-operate with employers so far as is necessary to enable compliance with the OHS Act and the OHS Regulation.

All persons must not:

- Obstruct attempts or refuse a reasonable request to assist in giving aid where a person at work is ill or injured
- Obstruct attempts or refuse a reasonable request to assist in avoiding or preventing serious risk to the health and safety of a person at work
- Disrupt the workplace by deliberately creating a health and safety risk
- Misuse anything provided for the health, safety or welfare of persons at work.

6.3.3 WorkCover Inspectors

The OHS Act stipulates the role of WorkCover in managing workplace safety.

WorkCover’s role is to:

- Ensure compliance through inspections, investigations, penalties and prosecutions.
- Provide information and assistance.
- Conduct the licensing and certification of premises.
- Provide guidelines on the operation of hazardous equipment.
- Implement targeted prevention and education programs.

WorkCover inspectors are given inspection powers, including the right to enter work premises, obtain information, documents and evidence. Inspectors can be accompanied by an employee representative during an inspection, if requested.
6.3.4 Industrial Officers of Unions

Authorised Industrial Officers of a union, (usually a Teachers Federation or PSA organiser but excluding workplace union representative) may enter a workplace to investigate a suspected breach of the Act. They have the power to make searches, inspect and take copies of records at the premises that directly relate to the occupational health and safety of employees working at the premises. They do not have the power to insist upon answers to questions or interviews with individuals. They may discuss safety matters with members of the union.
6.4 Workplace Consultation

6.4.1 Duty to Consult

The OHS Act imposes on employers a duty to consult employees so they can contribute to decisions regarding OHS matters.

Consultation requires that:

- Relevant information is shared about occupational health, safety and welfare with employees.
- Employees be given the opportunity to express their views and to contribute in a timely fashion to the resolution of occupational health, safety and welfare issues at their place of work.
- The views of employees are valued and taken into account by the employer.

6.4.2 Consultation Arrangements

The OHS Regulation sets out procedures for the establishment and maintenance of consultation arrangements as well as for resolving matters that may present a risk to health and safety.

The OHS Act provides that:

- An OHS Committee be established if the employer has 20 or more employees and the majority of employees make such a request or if WorkCover directs.
- An OHS Representative be elected if at least one employee makes such a request or if WorkCover directs.
- An employer may make arrangements for the establishment of a Committee or the election of a Representative whether or not it has been requested by any of their employees.
- OHS representatives and employee representatives on OHS committees are elected by and from employees in the relevant workgroups which they represent.
- Any Other Agreed Arrangements may be made between the employer and their employees.
- An employer publicise their consultation arrangements and provide reasonable facilities and access to both the workplace and employees, during working hours, to enable consultation to occur.
- An employee must take reasonable steps to prevent risks by notifying the employer, either directly or through the consultation arrangements, of any matter affecting compliance with the regulation.

For more information on setting up consultation arrangements including minimum requirements for OHS committees and OHS representatives as well as Other Agreed Arrangements, go to: www.workcover.nsw.gov.au/Publications/LawAndPolicy/CodesofPractice/ohsconsult.htm

6.4.3 Consultation Requirements

Consultation is required when:

- Risks to health and safety arising from work are assessed or when the assessment of those risks is reviewed.
- Decisions are made about the measures to be taken to eliminate or, if not reasonably practicable, control those risks.
- Introducing or altering the procedures for monitoring those risks.
- Decisions are made about the adequacy of facilities for the welfare of employees.
- Changes that may affect health, safety or welfare are proposed to the premises where persons work, to the systems or methods of work or to the plant or substances used for work and decisions are made about the procedures for consultation.
6.4.4 Training for OHS Committees Members and Representatives

An employer must ensure that each member of an OHS Committee and each OHS Representative undertakes a course of training as soon as practicable (unless the person has previously undertaken an approved course of training) so that they can undertake their duties effectively.

DET runs WorkCover accredited consultation courses through its district offices. Contact your district Staff Support Officer for further details.
6.5 Risk Management

The OHS Regulation imposes obligations on the employer to identify foreseeable hazards, assess the risks posed by those hazards and eliminate those risks, or if not reasonably practicable to do so, control the risks. The legislation also requires employees to co-operate with the employer in implementing risk management.

The OHS Regulation imposes a duty on the employer to adopt a risk management approach by:

- Knowing the OHS problems in the workplace. (identifying hazards)
- Being aware of the harm they can cause. (assessing the risk)
- Doing something about it to ensure that people are not harmed. (eliminating or controlling the risk)
- Ensuring that elimination or control measures continue to be effective. (monitoring and reviewing)

Risk management needs to be conducted:

- Before setting up and using a workplace
- When planning work processes
- Before installing, commissioning or erecting plant
- Whenever changes are made to the workplace, the system or method of work, the plant used and the chemicals used
- Whenever new information regarding work processes becomes available.

6.5.1 Hazard Identification & Risk Assessment

The employer must take reasonable care to identify hazards arising from:

- Work premises
- Work practices and systems
- Plant
- Hazardous substances
- Manual handling
- Layout and condition of a place of work
- Biological organisms
- Physical working environment
- Potential for workplace violence.

Risk assessment is the process of determining the level of risk a hazard poses to health and safety and assigning a priority level for dealing with the risk. All available information should be considered when undertaking a risk assessment.

Hazards should be assessed according to:

- the likelihood that the hazard will cause an injury and
- the severity of injury likely to be caused by a particular hazard.

6.5.2 Risk Control

All foreseeable hazards in the workplace must be identified, the risks that these hazards pose to health and safety must be assessed and strategies implemented to eliminate or control those risks. If it is not reasonably practicable to eliminate the risks then they need to be controlled to the fullest extent possible.
There is a responsibility for a workplace to:

- Review risk assessments and control measures.
- Provide instruction, training and information.
- Provide supervision.
- Provide and maintain personal protective equipment.
- Obtain information.
- Provide for emergencies.
- Provide amenities.
- Maintain amenities and accommodation.
- Provide first aid facilities and personnel.

6.5.3 Monitor and Review

The workplace must review a risk assessment and any measures adopted to control those risks whenever:

- There is evidence that the risk is no longer valid.
- Injury or illness results from exposure to a hazard to which the risk assessment relates.
- A significant change is proposed in the workplace or work practices or procedures to which the risk assessment relates.

6.5.4 Information, Instruction, Training and Supervision

The workplace must ensure that all employees and non-employees understand the risks associated with the workplace.

This means:

- All new employees, including casual staff, receive induction training about arrangements for OH&S including reporting hazards, health and safety procedures, as well as access to health and safety information.
- That any person who may be exposed to a health and safety risk at the workplace is informed of the risk and provided with any information, instruction and training necessary to ensure their health and safety.
- Staff are to be provided with access to all necessary OHS information including OHS legislation, Codes of Practices, Standards, manufacturer’s instructions, Material Safety Data Sheets (MSDS), manuals, written safe working procedures and policies.
- Staff are to be made aware of hazard, incident and injury reporting procedures.
- Staff are to be informed, instructed and/or trained on the correct use and maintenance of personal protective equipment.
- That training is documented and these records retained for five years.
- Adequate supervision is provided by a competent person to ensure the health and safety of employees.
6.6 Workplace Hazards

There are specific requirements under the OHS Regulation in relation to the following:

- The working environment:
  - safe access and egress
  - noise
  - lighting
  - cold and heat
  - slips, trips and falls
  - working at heights

- Manual handling

- Mechanical and electrical plant:
  - plant, equipment and machinery
  - electricity

- Hazardous substances:
  - chemical safety
  - biological safety
  - atmosphere

- Psychological hazards:
  - workplace violence
  - stress

For more information on any of the above workplace hazards see Appendix 13.3 OHS Workplace Requirements.
6.7 Work Practices and Systems

There are also specific requirements under the OHS Regulation in relation to the following:

- Purchasing of Materials, Equipment and Substances
- Signs and posters

For more information on any of the above work practices and systems see Appendix 13.3 OHS Workplace Requirements.
6.8 Health Care and Safety

The OHS Regulation includes specific provisions in relation to:

- First Aid
- Personal Protective Equipment (PPE)
- Amenities
- Managing Emergencies

Requirements also flow from the general duties provisions of the OHS Act in relation to smoking in the workplace.

For more information on any of the above provisions or on the Department's non-smoking policy see Appendix 13.3 OHS Workplace Requirements.
6.9 Injury Notification

There are specific requirements under both the Injury Management and Workers Compensation Act the OHS Regulation.

The key points are:
An employee must:
- Notify the employer as soon as possible, either orally or in writing, of an injury, illness or disease.
- Enter the details in the register of injuries.
- Consult a doctor to arrange treatment where necessary and participate and cooperate in the development of the injury management plan.
- Obtain a WorkCover medical certificate from the treating doctor if required.
- Authorise the doctor to provide relevant information to both GIO and the employer.
- Make all reasonable efforts to return to work as soon as possible.

The Department is responsible for notifying GIO within 48 hours of any injury or illness for which workers compensation is payable or may be payable.

In addition, employers and/or occupiers of workplace premises are required to notify WorkCover of certain work-related incidents:

Serious incidents are defined in Clause 344 of the OHS Regulation and include:
- An injury that has resulted in loss of life.
- The placing of a person on life support system.
- Amputation of a limb.

Other incidents are defined in Clause 341 of the OHS Regulation and include:
- An injury or illness to a non-employee at the workplace (supported by a medical certificate) who is unfit to carry out their usual activities, for a continuous period of 7 days
- Explosion or fire.
- Escape of gas or dangerous goods.
- Substantial property damage.
- Exposure to bodily fluids that presents a risk of transmission of blood-borne diseases.

There may be multiple reporting requirements depending on the type of incident, whether the person involved was an employee or non-employee and whether or not an injury was sustained. The principal or manager, as delegate for the Department, is responsible for ensuring that notifications are made within the timeframes specified by the legislation.
### 6.10 Other Resources

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<td>Australasian Legal Information Institute <a href="http://www.austlii.edu.au">www.austlii.edu.au</a></td>
<td>Provides online access to Australian legislation and case law.</td>
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<tr>
<td>WorkCover Authority Website: <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Email: <a href="mailto:contact@workcover.nsw.gov.au">contact@workcover.nsw.gov.au</a></td>
<td>Offers advice and guidance on compliance with OHS legislation. The WorkCover Authority provides this information through information centres, bookshops, libraries, phone help lines, internet sites, publications, education and prevention programs including practical guidance material.</td>
</tr>
<tr>
<td>Comcare (for Commonwealth agencies) Website: <a href="http://www.comcare.gov.au">www.comcare.gov.au</a> Email: <a href="mailto:ohs.help@comcare.gov.au">ohs.help@comcare.gov.au</a></td>
<td>Most publications are available online.</td>
</tr>
<tr>
<td>National Occupational Health and Safety Commission Website: <a href="http://www.nohsc.gov.au">www.nohsc.gov.au</a> Email: <a href="mailto:info@nohsc.gov.au">info@nohsc.gov.au</a></td>
<td>NOHSC (Worksafe Australia) publishes and disseminates OHS information including national standards, codes of practice, guidance notes, national guidelines, model regulations, technical reports and other materials.</td>
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OHS&R Directorate,  

Training and other support materials for implementing OHS are available on the DET Intranet.
## 7 Permanent Part Time Employment

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7 PERMANENT PART TIME EMPLOYMENT

Introduction

7.1  Introduction

a) Part time work provides teachers with a diversity of choice with regard to patterns of work on either a short or long term basis and may be available as:

   i) Permanent part time work which allows a teacher to make a long-term variation to work patterns whilst retaining permanent status.

   ii) Part time leave without pay which is intended to provide teachers with an opportunity to work in their own positions for a reduced number of days for a period of up to two years. See Section 4.8, Leave Without Pay for details.

   iii) Part time maternity leave which is available to female teachers after the expiration of all paid maternity leave. See Section 4.10, Maternity Leave for details.

b) Permanent part time work involves a deliberate decision by a teacher to work less than full time on an ongoing basis, with reversion to full time work possible only through transfer via the staffing operation.

c) The effective delivery of educational programs must be maintained in all schools and applications for permanent part time work will be considered where they are to be to the mutual convenience and benefit of the school and the teacher.

d) Teachers may be employed on a permanent part time work basis in positions ranging from 0.2 to 0.8 equivalent full time, corresponding to one to four days which are the ordinary working days of a school.
7 PERMANENT PART TIME EMPLOYMENT

7.2 Creation of Positions

a) The creation of a permanent part time work position must have regard to the maximum number of positions that may be created state wide and at the school level. The maximum number of positions that can be established is reviewed by the Department on a regular basis.

b) A teacher may work on a permanent part time basis by occupying a fractional position, whether created for this specific purpose or not.

c) Positions may be created deliberately, rather than simply being constituted out of fractional positions which happen to occur in the school establishment.

d) Positions may also be established by way of job sharing of whole positions. Applications for job sharing, whether by two permanent part time teachers or a combination involving temporary teachers, or teachers on leave without pay or unpaid maternity leave, with authorisation to work as relief teachers, will also be considered.

e) Permanent part time work positions will be available to classroom teachers including specialist teachers.

f) Although positions will generally be limited to unpromoted teachers, permanent part time work may however be available to teachers in promotion positions. An application to job share a promotions position that both the school and district believe has merit, should be referred to the Assistant Director, Staffing, Data, Classification and Support. It should be noted, however, that opportunities will be limited, given the needs and demands associated with promotion positions.
7.3 Filling of Positions

a) Positions will generally be filled as part of the annual staffing operation.

b) Teachers applying for permanent part time work must understand that just as with full time positions, enrolments or school organisation may, in any given year, be such that the position which existed at the school in the previous year is no longer available.

c) A teacher whose position is not available in the following year will be treated as a nominated reduction and may be transferred to:

- a vacant position of similar hours in another school (if available) as a nominated reduction; or
- a vacant position of different hours in the same school (if available); or
- a vacant position of different hours in another school (if available); again as a nominated reduction.

A vacant position of different hours may include a full time position, but full time nominated reductions, and transfer of full time teachers will have preference for full time vacancies, in accordance with the recruitment procedures, over teachers engaged in permanent part time work. It is not intended that full time vacancies be divided to accommodate permanent part time teachers on nominated reduction.

d) The identification of teachers as nominated transfers will be undertaken in accordance with Departmental policy applying to full time teachers, i.e. on the basis of schools’ educational and curriculum needs. The fact that a position is a permanent part time position does not mean that it will be treated differently.

e) Unfilled vacant permanent part time work positions will be advertised on Jobfile and selection made, following application, in accordance with existing procedures.
7.4 Applications for Permanent Part Time Work

a) Applications for permanent part time work may be made by:
   - full time permanent teachers;
   - casual or temporary teachers who hold approval to work as a full time or permanent part time teacher;
   - teachers seeking re-employment or initial employment.

b) Applications should be made on the Promotion and Transfer form and submitted in the ordinary staffing operation. Applications from school based teachers should be made through school principals to the Assistant Director, Staffing, Data, Classification and Support. Non-school based teachers should forward applications through general managers, executive directors, directors or district superintendents to the Manager of the Corporate Staffing Unit.

c) All teachers, including teacher librarians and other specialist areas such as ESL and support teaching who apply for a permanent part time work position, are required to have recognised training or to be currently engaged in full time teaching in the specialist area concerned.

d) A full time permanent teacher may apply in conjunction with another full time permanent teacher to job share a 1.0 position in their current school.

e) Approval of an application for permanent part time work cannot be automatically expected even when satisfactory arrangements, which must be recommended by the principal, can be made at an individual school. State wide and school limits in regard to the overall number of permanent part time work positions must be maintained.

f) Teachers who apply for permanent part time work and whose application is rejected at the school level have the right to refer their application to the Assistant Director, Staffing, Data, Classification and Support.
7.5 Variations to Arrangements

a) A teacher who takes up a permanent part time work position will be eligible to apply for transfer to another permanent part time work position or to a 1.0 full time position on the basis of transfer points after three years of service. The transfer points system will apply to permanent part time work on a pro rata basis.

b) Applications by teachers to vary permanent part time work arrangements (including reversion to full time status) may be made in the usual way within the normal staffing operation.

c) Permanent part time teachers may apply to vary their arrangements at other times but must understand that such variations (including reversion to full time status) will not necessarily be approved.

d) A teacher who, immediately prior to taking up a permanent part time position, was a full time permanent teacher may apply for reversion to full time status in any annual staffing operation but will generally be considered in a category after applications for transfer from full time teachers but before any persons on the unemployed list.

e) A permanent part time teacher applying for a variation (other than in circumstances where the permanent part time work arrangement is not available in the ensuing year) will be treated, if transferring from one school to another, as a teacher transferring at his or her own request.

f) Where some additional amount of permanent part time work becomes available e.g. when there is a fractional increase in permanent part time establishment, the extra hours will first be offered to the permanent part time teacher associated with the position affected. If that teacher does not wish to accept, there will either be the opportunity to use casual or temporary teachers or recruit on a permanent part time work basis.

g) Where a permanent part time teacher is sharing a position and the other teacher leaves, that permanent part time teacher will first be offered the opportunity for the full time position until a replacement can be appointed.
7.6 Conditions

7.6.1 General

a) Teachers who are re-employed or initially employed as permanent part time teachers will be appointed as permanent on probation and will be required to serve the equivalent of a minimum one year of full time teaching service on probation.

b) A permanent part time teacher will be eligible for a Teacher’s Certificate after completing the equivalent of one year’s full time service and meeting the Department’s policy requirements for the award of a Teacher’s Certificate.

c) Full time teachers on a category of leave with right of return to former position will forfeit that right of return following appointment to a permanent part time work position.

d) A permanent part time teacher may accept casual or temporary teaching work on days when not employed in a permanent part time work position. The salary and conditions of employment for any casual or temporary work undertaken will be in accordance with the Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award. The appointment notice will provide details of eligibility to undertake casual or temporary teaching work.

e) Permanent part time teachers may seek approval for employment outside the Education Teaching Service in accordance with the usual procedures and provided such work does not interfere with classroom duties.

f) Leave accrues on a pro rata basis. Permanent part time teachers will have access to previously accrued entitlements, i.e. long service leave, cumulative sick leave, family and community service leave and personal carer’s leave.

7.6.2 Duties and Hours of Duty

a) Permanent part time teachers will be required to undertake, on a pro rata basis, the full range of duties as provided by the Teaching Services Act and Regulation.

b) Arrangements of between 0.2 and 0.8 equivalent full time may in general be worked in patterns mutually convenient to the school and the teacher.

c) In secondary schools, the period requirement based on a 40 minute x 40 period school will be:

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d) Where a full time position is split, one of the resulting permanent part time teachers must supervise sport each week if required and the combined face to face period loading of the two permanent part time teachers should total 28 plus sport.

In schools with timetabled sport, a total of 30 periods is required.

e) Where the equivalent full time of the permanent part time work positions equals or exceeds 1.0 then one of the permanent part time teachers must do sport, if required, with the corresponding lower face to face period loading as in c) above.
f) In primary schools release time will be provided on a pro rata basis for those categories of teachers for whom release is an entitlement i.e. 0.2 to 0.8 of that available to full time teachers.

g) Permanent part time work arrangements must be made so as to permit the teachers to participate as necessary in staff meetings and related activities. Additional pay will not be granted for attendance at these activities.

7.6.3 Pro Rata Entitlements

a) Conditions of work will apply on a pro rata basis.

b) “Pro rata basis” shall be taken to mean a calculation in which the quantum of hours, leave, pay or other remuneration is determined by multiplying the quantum applicable to full time teachers by the appropriate equivalent full time (0.2 to 0.8).

c) Salary and conditions for permanent part time work will attract a pro rata entitlement of that associated with full time permanent employment.

7.6.4 Leave

7.6.4.1 General

a) In determining the quantum of leave actually taken, the general principle is that leave can only be taken in relation to a period of time (day or part of day) during which a permanent part time teacher would otherwise have been on duty.

b) Where a public holiday falls on the usual working day of a permanent part time teacher, the teacher will be paid for the period of time during which they would otherwise have been on duty.

7.6.4.2 Long Service Leave

a) As for full time teachers, long service leave for teachers employed in part time work accrues on the basis of years of service. The long service leave entitlement, however, will be paid on a pro rata basis.

b) A permanent teacher converting to a permanent part time teaching position will have service credited in full, but the accrued long service leave entitlement will be converted to the appropriate fractional proportion of equivalent full time.

c) Permanent part time teachers are eligible to take long service leave on the same basis as full time teachers. The debit against the long service leave entitlement will be based on a seven day week (refer to Section 4.9 for details).

7.6.4.3 Sick Leave

a) Annual and special sick leave will be calculated on a pro rata basis.

b) Sick leave will accrue on the basis of actual service and the accrued sick leave entitlement at any given time will be a pro rata of the full time entitlement. Sick leave accrued during any previous full time service may be utilised.
c) Sick leave will be granted on a pro rata basis e.g. a permanent part time teacher working two days per week who takes one week's sick leave will be entitled to one week's ordinary pay, i.e. 0.4 of the full time rate. The teacher's leave entitlement will be debited in the same way i.e. the teacher loses two days full pay sick leave from his or her credit.

7.6.4.4 Family and Community Service Leave and Personal Carer's Leave

Family and community service leave and personal carer's leave may be granted on a pro rata basis.

7.6.4.5 Maternity Leave

a) All permanent part time female teachers are eligible for maternity leave from six weeks before the expected date of the birth of the baby. A female teacher who has provided 40 weeks permanent full time or part time continuous service is entitled to paid maternity leave.

Refer to Section 4.10.1.2 a) for further detail on service which may count towards the 40 week qualifying period.

b) Paid maternity leave will be on a pro rata basis i.e. the equivalent of six weeks full pay and six weeks half pay will be granted at the part time rate.

c) Permanent part time teachers who take maternity leave will have right of return to their former position on the same basis as for full time teachers.

7.6.4.6 Annual Leave Loading

a) Permanent part time teachers are eligible for annual leave loading.

b) Where full time service merges without a break with permanent part time work both periods of service will accrue annual leave loading.

7.6.4.7 Other Leave

Permanent part time teachers are entitled to other forms of leave on a pro rata basis.

7.6.5 Allowances

Except as otherwise provided, all allowances will be paid on a pro rata basis.

7.6.6 Increments

a) Increments will be payable on completion of the equivalent amount of full time service, e.g. 2½ years work at 0.4 equivalent full time will be required for incremental progression.

b) Incremental progression to the top of the salary scale will be in accordance with the provisions of the Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award.

c) Permanent part time work and casual or temporary employment cannot be amalgamated for the purpose of incremental progression.

7.6.7 Access to Promotions Positions

a) A permanent part time teacher may apply for promotion. If appointed to a position, and the position is a full time position, the teacher must be prepared to accept appointment on this basis.
b) Permanent part time work does not affect a teacher’s appeal rights.

c) Service will not be regarded as having been broken by permanent part time work.

### 7.6.8 Expenses Relating to Transfer

Subject to meeting the same service requirements as for full time teachers, payment of expenses on transfer will apply as for full time teachers but benefits will be paid on a pro rata basis.
7.7 Superannuation

7.7.1 Existing Contributors

7.7.1.1 State Superannuation Scheme

A reduction in salary consequent upon entering a permanent part time work position will generally result in a reduction in unit entitlement.

Provision exists for an employee who moves to permanent part time employment to continue to contribute to the Scheme but with an appropriate reduction in unit entitlement (provision is also made for a revision of that reduction where an employee later varies the hours of employment).

When an employee changes from full time to permanent part time employment, the person will continue to contribute to the Scheme on the following basis:

- Contributions paid prior to the change are allocated to purchase full-paid units in the Scheme;

- The employee’s “new” unit entitlement is determined having regard to the equivalent full time salary for the position and after a deduction factor is applied which takes account of the difference between the total period of Scheme membership the employee would have achieved on a full time basis and the total period of Scheme membership the employee would achieve taking account of the part time employment;

- Contributions are payable in respect of the difference between full paid units and the contributor’s “new” unit entitlement.

7.7.1.2 State Authorities Superannuation Scheme (SASS)

Members of SASS must maintain contributions during any period of permanent part time work. Two rules affecting benefit points accrual during a period of part time employment are as follows:

- The maximum number of benefit points which attract employer-financed benefit in respect of a year as a part time employee is six multiplied by the “salary ratio”. If the salary ratio were 0.5, the maximum would be three benefit points.

- The actual number of points accrued in a year is the percentage rate of contribution for that year multiplied by the “salary ratio”. For instance if the percentage rate of contribution was four per cent and the “salary ratio” is 0.5, the actual accrual for that year would be two benefit points.

7.7.2 Information about Superannuation

The above information is based on superannuation provisions applicable prior to the issue of the Teachers Handbook. As changes to superannuation legislation can have a significant impact on entitlements, teachers should contact the Superannuation Pillar Customer Service Centre for advice.
8 Temporary Teachers

8.1 Introduction

8.2 Employment as a Temporary Teacher
8.2.1 Application for Employment as a Temporary Teacher
8.2.2 Approval for Employment

8.3 Salaries and Conditions of Employment

8.4 Permanent Teachers on Leave Without Pay
8 TEMPORARY TEACHERS

8.1 Introduction

a) The *Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award* introduced the classification of temporary classroom teacher from 1 January 2001.

b) Temporary teachers are defined as persons employed in one engagement full time for four weeks or more or in one engagement for one to four days per week for two terms or more.

c) Temporary engagements can only occur within a school year and be for a maximum of a school year.

d) Where a vacancy exists as described in b) above, it must be filled by way of a temporary teacher engagement, unless otherwise filled by the School Staffing Unit. There is no option for a school or a teacher to choose to fill such a vacancy by employing a casual teacher.

e) Guidelines that should be followed when engaging a temporary teacher were issued to all schools on 16 July 2001 as part of the document titled *Conditions of Employment for Temporary School Teachers*. The guidelines may also be accessed via the Department's intranet site at: [http://detwww.det.nsw.edu.au/directorates/personnel/tteach/engatemp.htm](http://detwww.det.nsw.edu.au/directorates/personnel/tteach/engatemp.htm).

f) To avoid any misunderstanding in the process of engaging temporary teachers, there must be a clear distinction made between an offer of engagement and the seeking of advice regarding a teacher’s potential availability for engagement.

8.2 Employment as a Temporary Teacher

8.2.1 Application for Employment as a Temporary Teacher

a) Persons desiring employment only as a non permanent teacher (ie as a temporary or a casual teacher) must complete an Application for Employment as a Teacher form which is available from district offices, the School Staffing Unit or the Department’s website at http://www.det.nsw.edu.au/employment/recruit/index.htm. An application for employment as a casual teacher includes employment as a temporary teacher. The completed form should be submitted to the School Staffing Unit.

b) Applicants who have not been employed previously by the Department should submit documentary evidence of qualifications, teaching and/or employment experience, birth certificate (or extract) or other proof of identity e.g. passport, and where appropriate an application for accreditation for child rearing. If applicable, evidence of Australian citizenship or permanent residence or visa permitting employment must also be submitted.

c) New applicants for employment must satisfy a criminal records check, national check of employment status and attend a personal suitability interview conducted by an officer(s) as determined by the Director of Staffing Services. A medical examination may be required.

d) Permanent teachers who resign or retire and who wish to undertake employment as a non permanent teacher will be issued with a letter of approval to work with the NSW Department of Education and Training in a casual capacity. The letter of approval will be issued by Teacher Services effective from the resignation/retirement date. The letter of approval will not be issued if the principal recommends that the teacher should not work in a casual capacity.

8.2.2 Approval for Employment

a) A casual teaching approval will be issued to applicants who are personally suitable and who demonstrate that they hold an acceptable teaching qualification. A casual teaching approval also allows a teacher to teach as a temporary teacher.

b) Following the receipt of the casual teaching approval, teachers should contact school principals directly and inform them of their availability for employment.

Teachers may also use the CasualConnect Employment Service to register their availability for work and to find out where casual and temporary teaching work is available. Call the CasualConnect Jobline toll free on 13 10 49 for more information or visit the CasualConnect website at http://www.schools.nsw.edu.au/appse/staff/F5.0/casual/empserv.htm.

c) Applicants for employment who hold a recognised academic award but whose academic attainments fall marginally short of the requirements for permanent classification may be given transitional classification. Applicants in this category will be issued with a casual teaching approval, pending the completion of all academic requirements. Evidence of enrolment in the required subjects must be provided prior to the issue of an approval to teach.

d) Applicants who do not meet the requirements for employment will be advised to this effect by letter and where appropriate, will be advised of the requirements that must be met in order to be approved for employment.
8.3 Salaries and Conditions of Employment

a) Temporary teachers have access, on a pro rata basis, to most of the conditions of permanent teachers. Access to the full common incremental salary scale applicable to permanent teachers is being phased in.

b) A document titled Conditions of Employment for Temporary School Teachers was issued to all schools on 16 July 2001. This document provides detail on the salary and other conditions of employment of temporary teachers. The document can also be accessed on the Department’s intranet site at: http://detwww.det.nsw.edu.au/directorates/personnel/tteach/welcome.htm.
8.4 Permanent Teachers on Leave Without Pay

a) The category of temporary teacher does not apply to permanent teachers who are undertaking “relief teaching” while on leave without pay. These teachers retain their separate conditions as detailed in Section 4.8.5, Leave Without Pay of the Teachers Handbook.

b) Permanent teachers on leave without pay can fill any vacancy but are not to complete a temporary engagement notice. They should complete fortnightly casual claim forms and will be paid on the Casual Employee Payroll System.
## 9 Casual Teachers

### 9.1 Appointment of Casual Teachers

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### 9.3 Hours of Duty

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### 9.4 Rates of Pay and Payment Procedures

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### 9.5 Engagement for School Excursions or Camps

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### 9.6 Casual Employment in Remote Areas

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### 9.7 Casual Teachers’ Leave Entitlements

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9.7.3.1 Full Time Supply Casual Teachers - Prior to 20 May 1985
9.7.3.2 Part Time Supply Casual Teachers - Prior to 20 May 1985
9.7.3.3 Casual Teaching - Post 19 May 1985
9.7.3.4 Other Service
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9.7.3.6 Entitlement
9.7.3.7 Payment of Long Service Leave
9.7.3.8 Granting of Long Service Leave

9.7.4 Workers' Compensation Leave

9.8 Release Time

9.9 Travelling Expenses

9.10 Access to 4YT Rates of Pay for 2YT and 3YT Teachers
9.1 Appointment of Casual Teachers

9.1.1 Application for Employment

a) Persons desiring employment only as casual teachers must complete an Application for Employment as a Teacher form which is available from district offices, the School Staffing Unit or the Department’s website at http://www.det.nsw.edu.au/employment/recruit/index.htm. The completed form should be submitted to the School Staffing Unit.

b) Applicants who have not been employed previously by the Department should submit documentary evidence of qualifications, teaching and/or employment experience, birth certificate (or extract) or other proof of identity e.g. passport, and where appropriate an application for accreditation for child rearing. If applicable, evidence of Australian citizenship or permanent residence or visa permitting employment must also be submitted.

c) New applicants for employment must satisfy a criminal records check, national check of employment status and attend a personal suitability interview conducted by an officer(s) as determined by the Director of Staffing Services. A medical examination may be required.

d) Permanent teachers who resign or retire and who wish to undertake employment as a casual teacher will be issued with a letter of approval to work with the NSW Department of Education and Training in a casual capacity. The letter of approval will be issued by Teacher Services effective from the resignation/retirement date. The letter of approval will not be issued if the principal recommends that the teacher should not work in a casual capacity.

9.1.2 Approval for Employment

a) A casual teaching approval will be issued to applicants who are personally suitable and who demonstrate that they hold an acceptable teaching qualification. The status and salary together with the teacher’s approval number will be included in the letter of approval.

b) Following the receipt of approval to teach in a casual capacity, teachers should contact school principals directly and inform them of their availability for employment.

Teachers may also use the Casual Direct Casual Teacher Staffing System to register their availability for work and to find out where casual teaching work is available. Call the Casual and Temporary Teacher Programs Unit toll free on 1300 367 338 for more information or visit the Casual Direct website at http://www.det.nsw.edu.au/employment/recruit/casualteachers/cdctss.htm.

c) Applicants for employment who hold a recognised academic award but whose academic attainments fall marginally short of the requirements for permanent classification may be given transitional classification. Applicants in this category will be issued with a casual teaching approval, pending the completion of all academic requirements. Evidence of enrolment in the required subjects must be provided prior to the issue of an approval to teach.

d) Applicants who do not meet the requirements for employment will be advised of this effect by letter and where appropriate, will be advised of the requirements that must be met in order to be approved for employment.
9.1.3 Appointments - General Conditions

a) Casual teachers are engaged to fill vacancies full time for less than four weeks or part time for less than two terms. If vacancies exceed these parameters a temporary teacher must be engaged (see Chapter 8).

Note: There is no discretion, for either the principal or the teacher, to engage a casual teacher in a vacancy that exceeds the parameters as outlined above.

b) The minimum daily engagement for casual teachers is two hours. The hours of a casual engagement must be worked continuously.

c) Casual teachers are employed on a daily basis and are not paid for normal public holidays or for school vacations. Casual teachers are eligible for payment of salary if a special school holiday is granted or a local show day is proclaimed a public holiday on a day on which the teacher would normally be on duty.

d) Where a casual teacher is on duty and the regular teacher returns on the same day, the casual teacher may remain on duty for three hours and be paid accordingly.

e) Casual teachers cease duty automatically when circumstances warranting employment no longer pertain and should be given as much notice as practicable when their services are not needed, for example, a casual teacher will be required to cease duty if approval is granted for a permanent teacher to resume duty early from a period of leave.

f) All casual appointments terminate at the end of the school year and under no circumstances should a casual teacher resume duty in the following year without authority. Principals should not engage casual teachers for the following year prior to the School Staffing Unit confirming staffing arrangements.

9.1.4 Authority to Appoint Casual Teachers

a) No persons are to be given casual teaching appointments unless they are currently approved for employment. Principals must sight the NSW Department of Education and Training teaching approval (on departmental letterhead) before employing a casual teacher and ensure that the approval is valid and current. This should include consulting the confidential list of people not to be employed in any capacity in government schools and TAFE without approval by the Director of Staffing Services.

b) The appointment of casual teachers is the responsibility of principals in accordance with Section 9.1.3.

c) In primary schools where a teacher is absent on approved leave, a casual teacher may be appointed from the first day of absence.

d) In secondary schools where the absence cannot be absorbed as provided for in the Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award Clause 21 - Allocation of Duties in High Schools, a casual appointment may be made for the absence of teachers on approved leave as follows:

i) immediately when it is known that the teacher will be absent for more than one day;

ii) on the second day of absence when the absence has not been notified in advance.
9.1.5 Appointment as a Permanent Teacher

a) Casual teachers who, at the time of initial approval for teaching were only issued with a casual approval, but who wish to be appointed as a permanent teacher must complete an Application for Employment as a Teacher form and submit it to the School Staffing Unit.

b) A personal suitability interview is required and applicants must satisfy a criminal records check and national check of employment status. A medical examination may be required.

9.1.6 Teacher Employment Priority Scheme

a) The Teacher Employment Priority Scheme (TEPS) provides benefits that assist casual and temporary teachers in gaining an offer of permanent employment as a teacher more quickly. Teachers must hold an ‘active’ or ‘inactive’ application for permanent employment with the Department.

b) Depending on the schools in which the work is undertaken, for every 50 days of casual and temporary service in NSW government schools a teacher’s employment priority date is advanced by 6, 12 or 18 months.

c) Temporary and casual service is combined for the purposes of TEPS.

d) Teachers will receive written advice annually of their new priority date for permanent employment.

e) Lists of schools in each of the three TEPS benefit categories are available from schools and district offices. Information can also be obtained from the Department’s website at http://www.schools.nsw.edu.au/appse/staff/F5.0/casual/teacempl.htm.

9.1.7 Casual Service - Recognition on Permanent Employment

a) All multiples of 203 days of casual service are recognised for the purpose of determining salary on permanent employment. This applies from 1 January 1984.

b) From 1 January 2001, casual and temporary service is combined to determine multiples of 203 days service on permanent appointment.

c) Casual service cannot, however, be added to permanent service in order to gain an increment.
9.2 Award of Teacher’s Certificate

9.2.1 Eligibility

Casual teachers will be eligible for the award of a Teacher’s Certificate if they meet the following requirements:

a) Educational Attainments

In the majority of cases the educational requirements will have been met at the time approval to teach was issued by the Department. Teachers initially granted transitional approval must complete any outstanding academic or practicum requirements before they will be eligible. Conditionally certificated teachers and some specialist teachers such as community language teachers are not eligible for a Teacher’s Certificate.

b) Quality of Teaching

In assessing the quality of teaching, principals will take into account teaching ability, classroom management, lesson preparation and involvement in staff development programs. In the case of teachers who have had experience in other schools, it may be necessary for the principal to contact principals of other schools before a recommendation can be made.

c) Service Requirements

The service requirement for the award of a Teacher’s Certificate may be comprised of days worked as a temporary teacher and a casual teacher. To be eligible for the award, a casual teacher must have taught at least 195 days within the previous eighteen months. This period must include one term or the equivalent of one term of continuous teaching at one school or the equivalent of one term (in days) in the case of part time casual teachers.

9.2.2 Procedures

a) On completion of the service requirement, a casual teacher may apply for the award of a Teacher’s Certificate to the principal of the school in which they are currently employed. Application should be made in writing, listing the schools and districts in which the service requirement has been met, together with dates of employment as a casual and temporary teacher.

b) Where appropriate, it is the responsibility of the teacher to accompany the application with reports relating to service in various schools. A report from the school in which the one term continuous service was attained must be obtained.

c) Verification of efficiency during the extended period of casual service is essential and the principal will write a report on the casual teacher’s service (following consultation with other principals where necessary) and forward the report to the district superintendent who will arrange for the presentation of the award (see Section 1.2.3 for more details).

d) Should a casual teacher be employed in a permanent capacity prior to fulfilling the service requirement, the days of casual and temporary teaching undertaken in the previous eighteen months may be counted towards the service requirements for the award of a Teacher’s Certificate. Prior casual and temporary service, however, will not count in respect of the twelve months prior service that must be completed for confirmation of permanent appointment.
### 9.3 Hours of Duty

a) Casual teachers may be employed on either a daily, half daily or hourly basis. The minimum daily engagement for a casual teacher is two hours.

b) Unless a variation of school hours has been approved, the hours of duty for casual teachers are worked within the following periods:

<table>
<thead>
<tr>
<th>Period</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morning</td>
<td>9.00 am to 12.30 pm</td>
</tr>
<tr>
<td>Afternoon</td>
<td>1.00 pm to 3.30 pm</td>
</tr>
</tbody>
</table>

c) A principal may require a casual teacher to attend beyond these hours, if such attendance is considered to be in the interests of the school.

d) Where casual teachers are employed on a daily basis the following arrangements, or equivalent, should apply:

<table>
<thead>
<tr>
<th>Time</th>
<th>Description</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.00 am</td>
<td>½ hour (assigned duties)</td>
<td></td>
</tr>
<tr>
<td>9.30 am</td>
<td>1⅔ hours</td>
<td></td>
</tr>
<tr>
<td>11.00 am</td>
<td>¾ hour recess (paid)</td>
<td></td>
</tr>
<tr>
<td>11.15 am</td>
<td>1¼ hours</td>
<td></td>
</tr>
<tr>
<td>12.30 pm</td>
<td>½ hour lunch (unpaid)</td>
<td></td>
</tr>
<tr>
<td>1.00 pm</td>
<td>½ hour (assigned duties)</td>
<td></td>
</tr>
<tr>
<td>1.30 pm</td>
<td>2 hours</td>
<td></td>
</tr>
</tbody>
</table>

Total time spent at school = 6½ hours  
Total time paid = 6 hours

e) Casual teachers employed for less than a full day will be paid on an hourly basis or part thereof.

Casual teachers employed for a two hour period and whose time of employment is broken by the morning recess are to be paid for the entire time at school.

<table>
<thead>
<tr>
<th>Time</th>
<th>Description</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.30 am</td>
<td>1⅔ hours</td>
<td></td>
</tr>
<tr>
<td>11.00 am</td>
<td>¾ hour (maximum recess)</td>
<td></td>
</tr>
<tr>
<td>11.15 am</td>
<td>½ hour</td>
<td></td>
</tr>
</tbody>
</table>

Total time paid = 2¼ hours

Where casual teachers are employed for less than a full day but the time spent at the school extends over the lunch break, the salary paid to the casual teacher is the total time at the school less ½ hour (as the ½ hour lunch break is unpaid).

<table>
<thead>
<tr>
<th>Time</th>
<th>Description</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.30 am</td>
<td>1⅔ hours</td>
<td></td>
</tr>
<tr>
<td>11.00 am</td>
<td>¾ hour recess (paid)</td>
<td></td>
</tr>
<tr>
<td>11.15 am</td>
<td>1¼ hours</td>
<td></td>
</tr>
<tr>
<td>12.30 pm</td>
<td>½ hour lunch (unpaid)</td>
<td></td>
</tr>
<tr>
<td>1.00 pm</td>
<td>½ hour assigned duties</td>
<td></td>
</tr>
<tr>
<td>1.30 pm</td>
<td>1¼ hours</td>
<td></td>
</tr>
</tbody>
</table>

Total time spent at school = 5¼ hours  
Total time paid = 4¾ hours

f) Where authority has been given to vary school hours that result in a total duty day of less than the normal six hour day, casual teachers are paid for the full day provided they observe the same hours as teachers employed permanently at the school.
g) Casual teachers will be paid less than the full daily rate when, because of late arrivals, early departures or other causes they work less than the normal six hour day. Payment of a full day’s salary may be made, however, for the first day of a period of relief where, because of inadequate notice by the school, the casual teacher reports for duty no later than 30 minutes after the normal commencing time.

h) Casual teachers are required to sign the attendance book and record the actual times of arrival at and departure from school.
9.4 Rates of Pay and Payment Procedures

9.4.1 General

a) So that payment can be made, teachers are required to provide Casual Employees Payroll Services with the following:

i) bank account details for payment to a personal account;

ii) an Employment Declaration form which is available from any post office; and

iii) a copy of their teaching approval.

b) Following initial employment and payment, Casual Employees Payroll Services will advise casual teachers of the employee number which must be quoted on all claims, correspondence and applications for leave.

c) Casual teachers must submit a Relief Teacher Salary Claim form each fortnight to Casual Employees Payroll Services.

d) The claim form must be submitted each fortnight for all days worked up to and including the Friday following the normal pay day for permanent teachers. To expedite payment, the claim form should be forwarded to Casual Employees Payroll Services at the close of the pay period i.e. the Friday on which the pay period concludes.

e) Where a teacher works at more than one school during the pay period only one claim form should be submitted. However, if teachers work in two schools in one day they must complete two separate claim forms.

f) Principals are required to certify as to the performance of service and should ensure that the periods of employment on the claim form are correct and coincide with information recorded in the attendance book.

g) Following the processing and payment of a claim, a pay advice is sent to the teacher's private address setting out details of fortnightly earnings.

h) Where undue delay occurs with payment, a duplicate claim should not be submitted without first checking with Casual Employees Payroll Services as to the procedures to be adopted.

9.4.2 Casual Teacher Daily Rates of Pay

a) The rates of pay of casual teachers are loaded by five per cent to be inclusive of sick leave, family and community service leave, special leave and leave loading.

b) Casual teachers’ daily rates of pay as contained in the Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award 2004 are as follows:
### Table 1

<table>
<thead>
<tr>
<th>Trained Teachers</th>
<th>Rates on and from 2.7.2004</th>
<th>Rates on and from 14.1.2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>4YT Steps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>266.77</td>
<td>276.11</td>
</tr>
<tr>
<td>3</td>
<td>254.86</td>
<td>263.78</td>
</tr>
<tr>
<td>2*</td>
<td>242.96</td>
<td>251.46</td>
</tr>
<tr>
<td>1</td>
<td>231.05</td>
<td>239.14</td>
</tr>
<tr>
<td>3YT Steps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>254.86</td>
<td>263.78</td>
</tr>
<tr>
<td>4</td>
<td>242.96</td>
<td>251.46</td>
</tr>
<tr>
<td>3</td>
<td>231.05</td>
<td>239.14</td>
</tr>
<tr>
<td>2</td>
<td>219.15</td>
<td>226.82</td>
</tr>
<tr>
<td>1</td>
<td>208.35</td>
<td>215.64</td>
</tr>
<tr>
<td>2YT Steps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>231.05</td>
<td>239.14</td>
</tr>
<tr>
<td>3</td>
<td>219.15</td>
<td>226.82</td>
</tr>
<tr>
<td>2</td>
<td>208.35</td>
<td>215.64</td>
</tr>
<tr>
<td>1</td>
<td>195.32</td>
<td>202.16</td>
</tr>
</tbody>
</table>

* 5YT trained casual school teachers commence on step 2, 4YT rates of pay

### Table 2

<table>
<thead>
<tr>
<th>Conditionally Trained Teachers</th>
<th>Rates on and from 2.7.2004</th>
<th>Rates on and from 14.1.2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>C (5YT) Steps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>266.77</td>
<td>276.11</td>
</tr>
<tr>
<td>3</td>
<td>254.86</td>
<td>263.78</td>
</tr>
<tr>
<td>Y1-2</td>
<td>242.96</td>
<td>251.46</td>
</tr>
<tr>
<td>C (4YT) Steps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>254.86</td>
<td>263.78</td>
</tr>
<tr>
<td>3</td>
<td>242.96</td>
<td>251.46</td>
</tr>
<tr>
<td>Y1-2</td>
<td>231.05</td>
<td>239.14</td>
</tr>
<tr>
<td>C (3YT) Steps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>231.05</td>
<td>239.14</td>
</tr>
<tr>
<td>3</td>
<td>219.15</td>
<td>226.82</td>
</tr>
<tr>
<td>Y1-2</td>
<td>208.35</td>
<td>215.64</td>
</tr>
<tr>
<td>C (2YT) Steps</td>
<td></td>
<td></td>
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<td>208.35</td>
<td>215.64</td>
</tr>
<tr>
<td>Y1-2</td>
<td>195.32</td>
<td>202.16</td>
</tr>
</tbody>
</table>

c) In the case of casual teachers relieving in PP6, teacher in charge of hospital schools and teachers in charge of environmental education centre positions as provided in Clause 29 of the Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award 2004, the daily rate of pay is as follows:

- From 2 July 2004: $365.20
- From 14 January 2005: $377.98

### 9.4.3 Incremental Progression

On completion of 203 days of casual teacher service, irrespective of breaks in that service, a casual teacher progresses to the next daily rate of pay as shown in 9.4.2 b) above.
9.5 Engagement for School Excursions or Camps

The guidelines for the engagement of casual teachers are:

a) Casual teachers may not be engaged specifically for the purpose of accompanying groups of students on excursions nor to act as supervisors in school camping or sporting programs.

b) Casual teachers may be involved in excursions or the supervision of camping or sporting programs as part of their roles as teachers at the school.

c) Casual teachers will be paid at their normal daily rate while engaged in the full supervisory role involved in any away from school excursion or camping or sporting program. This involvement could vary substantially the hours of duty normally associated with casual teaching. Acceptance of these conditions by a casual teacher is a prerequisite for approval for involvement in the activity.

d) Casual teachers involved in school camps as visiting teachers, who work with groups of students at approved school camps organised in association with the Department of Sport and Recreation will receive their normal daily rate for each full day while they are so engaged, including public holidays and weekends. A full day will be regarded as one during which the casual teacher was responsible for the supervision of students during journeys to or from camps or was in camp and engaged in work with students for six hours after 7.30 am and before 11.00 pm. Any period of less than six hours will attract payment at one-sixth of the daily rate for each hour.

e) Casual teachers paid each full day, including public holidays and weekends will not be entitled to compensatory leave regardless of the duration of the camp.
9.6 Casual Employment in Remote Areas

In order to provide incentive for casual teachers in country areas to accept vacancies of more than one day, to which they would not ordinarily be prepared to commute on a daily basis, the Department will pay accommodation costs in order to allow those teachers to fill the casual vacancy.

a) A teacher must live more than 100 km from the vacancy.

b) The intended vacancy must not be more than one months duration and the locality of the teacher vacancy must be at a school that is covered by Schedule 3 of the Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award 2004.

c) The rate of payment (accommodation and sustenance) is actual expenses less $4.00 per week.

NB: It is very important that before accepting a position, the casual teacher inquires whether the vacancy meets the conditions outlined above and that the casual teacher keeps receipts of expenditure.
9.7 Casual Teachers’ Leave Entitlements

9.7.1 Parental Leave

9.7.1.1 The Industrial Relations Act 1996 provides an entitlement of 52 weeks unpaid parental leave to regular casual employees. This entitlement first became available from 9 October 2000.

9.7.1.2 Parental leave may be granted to a casual teacher in accordance with Part 4 of the Industrial Relations Act 1996 as in force at the time of commencement of the leave.

9.7.1.3 Parental leave includes maternity leave, paternity leave or adoption leave.

9.7.1.4 Regular casual employees are those casual employees who work on a regular and systematic basis and who have a reasonable expectation of ongoing employment on that basis.

9.7.1.5 In order to be entitled to parental leave, casual employees must have had at least 12 months* of continuous service with the Department as a regular casual employee (or partly as a regular casual employee and partly as a full time or part time employee). The Industrial Relations Act defines continuous service as being work on an unbroken regular and systematic basis (including any period of authorised leave or absence).

* Note: From 9 October 2000 until 16 July 2001 the pre-service requirement under the Industrial Relations Act was 24 months continuous service.

9.7.2 Maternity Leave – Payment in Lieu

9.7.2.1 Eligibility

Casual teachers who become pregnant and have been employed full time for at least 40 continuous weeks prior to the anticipated date of birth of the child, may qualify for maternity leave payments.

9.7.2.2 Service Requirements

The 40 weeks continuous service includes the following:

- all periods of paid leave;
- unpaid maternity leave;
- unpaid sick leave;
- school vacations and public holidays;
- up to five days leave without pay;
- full time and part time temporary service.

The following periods are not counted towards the 40 weeks continuous service but they do not break the continuity of service:

- any absence from duty for a period or periods of leave without pay which exceeds a total accumulated period of five days;
an absence of a casual teacher from full time service at the beginning of the school year, who was in full time employment at the end of the preceding school year and although available for full time employment, is not employed on a full time basis before the 21st calendar day of the school year.

9.7.2.3 Application

a) An application for payment in lieu of maternity leave should be submitted at least four weeks prior to ceasing duty.

b) The application must be accompanied by a medical certificate stating the anticipated date of birth.

9.7.2.4 Payment

a) A casual teacher will not be paid more than the salary paid to a permanent teacher employed on the same status for the period commencing 40 weeks prior to the anticipated date of birth and concluding six weeks after anticipated date of birth.

b) Casual teachers who qualify for payment in lieu of maternity leave will be paid in a lump sum.

9.7.2.5 Right of Return to Former Position

A casual teacher does not have right of return to any position previously occupied.

9.7.3 Long Service Leave

Long service leave is available to casual teachers as a monetary payment upon cessation of employment and may also be taken as leave in certain circumstances. Casual teaching service is recognised as follows in 9.7.3.1, 9.7.3.2, 9.7.3.3 and 9.7.3.4.

A teacher who has had his/her casual teaching service assessed for long service leave purposes under earlier conditions may apply for reassessment of their service under guidelines introduced in 1997. An “assessment” does not include the issue of a statement of service.

Casual service prior to 20 May 1985 will be assessed only in accordance with the provisions which applied prior to that date. These provisions are contained in 9.7.3.1 and 9.7.3.2.

The provisions of the Long Service Leave Act 1955 will be applied to all service, both supply and relief casual teaching undertaken from 20 May 1985 onwards. These provisions are contained in 9.7.3.3.

The teacher’s application for reassessment will be processed and, should the provisions of the Long Service Leave Act 1955 provide an assessment to the teacher’s advantage, that service will be recognised.

Should the reassessment provide an assessment that would disadvantage the teacher, the previous credit for prior service recognised will not be amended.

9.7.3.1 Full Time Supply Casual Teachers – Prior to 20 May 1985

a) Prior to 20 May 1985 service will be recognised and credited as follow:

- All full time supply service, continuous or broken;
• Permanent or temporary teaching service which precedes or follows supply casual service;
• Leave granted on full or half pay;
• Unpaid sick leave taken prior to January 1969, which would, in current terms, qualify for payment.

b) Relief casual teaching service is not recognised.

9.7.3.2 Part Time Supply Casual Teachers - Prior to 20 May 1985

a) On cessation of employment prior to 20 May 1985, casual teachers who worked less than five days per week, but who had worked regularly on specific days of the week were eligible to be paid as a gratuity the monetary value, on a pro rata basis, of long service leave according to the provisions of the Long Service Leave Act 1955.

b) Regular part time supply service as a casual teacher in the Department prior to 20 May 1985 will be recognised as service for long service leave purposes.

c) Relief casual teaching service is not recognised.

9.7.3.3 Casual Teaching – Post 19 May 1985

a) On and from 20 May 1985 all continuous casual service will be recognised in accordance with the provisions of the Long Service Leave Act 1955.

b) Continuous service will be determined in accordance with the provisions of the Long Service Leave Act 1955.

c) The following absences, where they occur during a period of casual employment, count as service for long service leave purposes:

• absences caused by the casual teacher under the terms of their employment, for instance, all periods of approved, paid leave;

• absences due to illness or injury, including unpaid sick leave. In terms of unpaid sick leave, the casual teacher must, in each case that absence on account of illness or injury is required to be considered as service, provide written notification of the absence to Casual Employees Payroll Services. Where the absence exceeds three consecutive days, a medical certificate must be provided to Casual Employees Payroll Services for the absence to be considered as service.

d) The following interruptions in service, whilst not counted as service, do not break the continuity of service:

• absences arising directly or indirectly from an industrial dispute (including industrial action);

• absences on and from 9 October 2000 by reason of unpaid maternity, adoption or paternity leave granted to a casual teacher in accordance with Part 4 of the Industrial Relations Act 1996 as in force at the time of commencement of the leave;

• absences for any cause by leave of the Department. This relates to all periods of unpaid leave (other than unpaid sick leave as referred to in c) above) to which the employee is entitled and which is approved by the Department;
• interruptions in service for other reasons where the casual teacher returns to the services of, or is re-employed by, the Department within two months of the date on which service was interrupted.

Temporary teacher service and school vacations are not counted in the two months period, nor do they constitute a break in continuity of service for the calculation of long service leave.

e) Any break in continuity of service, as defined in the Act, will mean that casual service prior to the break will not count for the purpose of determining a teacher’s long service leave entitlement.

9.7.3.4 Other Service

a) The following periods of NSW Government service shall be recognised as service for long service leave purposes:

• all periods of prior full time or permanent part time teaching, whether broken or continuous service, with the NSW Department of Education and Training;

• all periods of prior temporary full time or part time teaching, whether broken or continuous service with the NSW Department of Education and Training;

• all periods of prior permanent and temporary full time or part time service under the Public Sector Employment and Management Act 2002, Public Sector Management Act 1988 and/or the Public Service Acts 1902 and 1979, the Teaching Services Act 1970 or the Teaching Services Act 1980;

b) In some circumstances previous teaching service with other State or Commonwealth Departments of Education or service other than teaching with a Government authority of the Commonwealth or another state or a NSW authority may be recognised for long service leave purposes under the provisions of the Transferred Officers Extended Leave Act 1961.

9.7.3.5 Eligibility

In order to be eligible to take long service leave or for payment of the monetary value of long service leave upon cessation of employment, a teacher must have completed ten or more years service.

Where the services of a teacher are terminated by the Director-General for any reason, other than the teacher’s serious and wilful misconduct, or by the teacher on account of illness, incapacity or domestic or other pressing necessity and the teacher has five or more years service, but less than ten years, the teacher will be eligible for a monetary payment of long service leave on the basis of one month for five years service and thereafter on a proportionate basis.

Casual teaching service is recognised as full time equivalent in accordance with the following formula:

\[
\text{number of days creditable casual service} \times \frac{1.79803}{365} = \text{number of years recognised service}
\]
9.7.3.6 Entitlement

Provided eligibility for long service leave has been established, the method of calculating the entitlement is:

For service prior to 1 April 1963:

a proportion of four and a half calendar days for each year of service.

For service on or after 1 April 1963:

a proportion of six calendar days for each year of service.

For full time supply casual service from 1 September 1970 to 19 May 1985:

a proportion of six calendar days for each year of service up to ten years;

a proportion of fifteen calendar days for each year of service in excess of ten years.

For service on or after 20 May 1985:

two months for ten years service and thereafter on a proportionate basis of six calendar days for each additional year of service.

9.7.3.7 Payment of Long Service Leave

a) Long service leave is paid at an annual rate calculated by multiplying the daily rate by 203.

b) Payment commences from the day following cessation of employment, irrespective of whether a vacation follows or not.

c) Payment of the monetary value of proportionate long service leave may be made where the services of a teacher with at least five years service but less than ten years service are terminated by the Director-General for any reason, other than the teacher’s serious and wilful misconduct, or by the teacher on account of illness, incapacity or domestic or other pressing necessity.

d) Casual teachers who are subsequently appointed as a permanent teacher should submit a written application providing information regarding the school, district or region and dates where previous casual service has been undertaken, to Teacher Services.

e) On cessation of employment, casual teachers who consider that they have established an entitlement, should make application to Casual Employees Payroll Services for payment of the monetary value of long service leave.

If available, a Record of Employment detailing any previous permanent or temporary teaching service with the Department should be submitted with such application.
f) On the death of a casual teacher who has an entitlement to long service leave the Department will, upon written request, pay to the teacher's estate the monetary value of the entitlement.

9.7.3.8 Granting of Long Service Leave

a) A casual teacher with ten years service may make application for the grant of long service leave provided that the teacher is employed by the Department immediately prior to the first day of long service leave.

b) Leave may be taken or payment made for one continuous period, or subject to approval of the Director-General, in the following separate periods and not otherwise:

i) where the amount of leave is two months, in two separate periods;

ii) where the amount of leave exceeds two months and does not exceed nineteen and one half weeks, in two or three separate periods;

iii) where the amount of leave exceeds nineteen and one-half weeks, in two, three or four separate periods.

c) Applications for long service leave must be submitted to Casual Employees Payroll Services at least three months in advance of the first date of leave unless otherwise approved by the Department.

d) Long service leave will be granted at the teacher's normal weekly hours or days of work, regardless of whether or not the teacher is employed at one or more schools.

e) Where a teacher is granted long service leave, payment will be made at the teacher's normal daily rate of pay.

f) The deduction from the teacher's long service leave entitlement will be calculated by multiplying the number of days paid leave taken by 7/5. This is to convert leave taken to the seven day per week equivalent upon which basis the leave accrues.

g) A casual teacher will not be approved to take long service leave on half pay.

h) Long service leave may not be used to make up salary whilst on another form of leave, nor taken during a school vacation period.

i) A casual teacher does not have right of return to any position previously occupied at the conclusion of a period of long service leave except where the teacher had originally been engaged for a period beyond the last date of long service leave granted. In such circumstances, the teacher's application for leave must have the support of the relevant principal(s).

9.7.4 Workers' Compensation Leave

a) The provisions of the Workers Compensation Act 1987 apply to casual teachers.

b) If a casual teacher who works regularly on a part time basis claims workers' compensation, the claim should be submitted to cover the specific days on which they are employed and are unfit to work.

c) See Section 4.17, Workers' Compensation Leave for details regarding eligibility and application procedures.
9.8 Release Time

a) Casual teachers employed to replace a permanent teacher for five days or longer are entitled to the release time of the replaced teacher.

b) Casual teachers employed for less than five days per week are not entitled to pro rata release time.
9.9 Travelling Expenses

“Under Review” as a result of reforms arising from the 2009 teachers’ award outcome
9.10 Access to 4YT Rates of Pay for 2YT and 3YT Teachers

a) A teacher with two or three years training who has:
   - substantively occupied a school based promotion position in a NSW government school; and
   - subsequently resigned or retired from the teaching service and has sought approval to teach casually;

   may be granted access to the four year trained (4YT) casual rates of pay.

b) It is the responsibility of the individual teacher to approach the Department in writing seeking access to the 4YT casual rates of pay.

c) The effective date for payment shall be the date of receipt of application.

d) A teacher shall be placed on 4YT casual rates of pay at a point equal to a 4YT teacher with the same length of service.

e) A teacher who has gained access to the 4YT casual rates of pay on this basis is governed by the same conditions as any other 4YT casual teacher, for example, casual teachers placed on 4YT rates of pay but below the maximum rate will be eligible for an increment upon completion of 203 days casual service.
## 10 Salary and Allowances

### 10.1 Payment of Teachers’ Salaries

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### 10.3 Teachers’ Salaries

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<td>10</td>
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</tbody>
</table>
10.1 Payment of Teachers’ Salaries

10.1.1 General

a) The payment of teachers’ salaries is made fortnightly by direct deposit into an account held with a financial institution.

b) At the time of initial appointment or re-employment on the permanent staff, teachers are sent the necessary form in order to provide the Department with financial account details. The completed form should be returned to Teacher Salaries at Locked Bag 12, Wollongong East, NSW 2520.

c) Teachers wishing to seek alterations in arrangements for the payment of their salary should give four weeks notice in writing to Teacher Salaries and should not close an account to which salary is being paid prior to notifying Teacher Salaries.

d) Generally speaking, all manual payments, such as advance payments for long service leave or maternity leave and benefits payable on separation from the service are paid by direct deposit to accounts. Unless specially requested such payments are not sent through Australia Post to a teacher’s private address.

10.1.1.1 Notification of Return to Duty

When a teacher has been suspended from the payroll and is absent on unpaid leave for more than 60 days, on the day the teacher resumes duty (either at the same or a new school) the principal must notify Teacher Salaries, otherwise restoration to the payroll will not occur.

10.1.1.2 Pay Advice Slips

a) Each fortnight, pay advice slips, showing particulars of salary, taxation, superannuation and miscellaneous deductions are forwarded to the school principal who is responsible for arranging distribution of pay advice slips to staff.

b) The requirements in respect of the issue or return of pay advice slips where a teacher has been absent from duty during a pay period are set out in the Department of School Education Manual on Financial Management.

c) Pay advice slips are not issued during school vacations but are dispatched to schools in time for distribution during the first week of term.

10.1.1.3 Income Tax and Employment Declaration

a) Income tax is deducted from all salaries in accordance with the income tax instalment rates issued by the Australian Taxation Office.

b) All teachers should have a current Employment Declaration in force with the Department. A new declaration should only be submitted when requested by the Taxation Office or when there is a change to a teacher’s entitlements.

c) At the time of initial employment or re-employment, teachers are sent an Employment Declaration form with their appointment notice. The form showing the teacher’s tax file number, serial number etc. should be completed immediately and returned to the Teachers Salaries. Failure to submit a form will lead to payment of taxation at the maximum rate. If a form is not received the teacher should immediately contact Teacher Salaries and request one.
d) Payment summaries (formerly group certificates) in respect of taxation
deductions are forwarded to the principal for distribution to staff as soon as
possible after 30 June each year.

10.1.1.4 Deductions

a) Superannuation deductions for contributions to a State Government
superannuation fund are deducted each fortnight, except that no deductions
are made for contributions to the State Authorities Superannuation Scheme
in the third pay period in any month when there are three pay days in that
month.

b) Teachers may sign an authority for deductions to be made from their
salaries for the payment of life assurance premiums, health fund
contributions, union fees, Stewart House and payments to authorised
financial institutions. To reduce the need for enquires concerning
deductions, teachers should record the amount of each authorised
deduction.

10.1.1.5 Teacher Housing Authority

Rent, for teachers who occupy Teacher Housing Authority dwellings, is automatically
deducted each fortnight and remitted to the Teacher Housing Authority. Rental
accounts are managed by the Teacher Housing Authority and all enquiries
concerning commencement, variation or cessation of rent should be directed to that
authority in the first instance. Teachers who intend to terminate a tenancy should
notify the Teacher Housing Authority at least four weeks in advance, otherwise over
deduction of rent may occur.

10.1.1.6 Enquiries Concerning Salaries

Enquiries concerning salaries may be made by telephone or in writing to Teacher
Salaries. It is essential that the teacher’s serial number be quoted.

10.1.2 Incremental Dates

a) A teacher is entitled to progress along the common incremental salary scale after
each twelve months of service subject to the teacher demonstrating by means of an
annual review, continuing efficiency in teaching practice, satisfactory performance
and professional growth.

b) Increments are paid automatically and the incremental adjustment (plus arrears) is
paid in the first pay period which occurs after the incremental date.

c) Incremental progress is deferred by:
   i) any leave of absence without pay exceeding five days;
   ii) multiples of whole days for periods of unauthorised absence including
       industrial action; and
   iii) efficiency of a teacher not on probation being called into question.

10.1.3 Midsummer Vacation Payments - Appointments During Term 4

Where a teacher is initially employed or re-employed at the start of, or during term 4, they will
be paid for 50 per cent of the summer vacation period. Provided the teacher then works until
the end of first term of the following year, they will then be paid for the remaining 50 per cent of
the summer vacation.
10.1.4 Overpayment of Salary

Provisions in respect of overpayment of salary and the procedures that must be followed should a teacher be overpaid, are set out in the Industrial Agreement of 1986, Recovery of Overpayments Procedures.

10.1.4.1 Salary Overpayment Procedures

a) “Salary overpayment” means a salary in excess of the teacher’s entitlement which has occurred for whatever reason over an extended period and has occurred in circumstances which may not be apparent or could not have reasonably been expected to have been detected by the teacher. This could occur where the conditions are uncertain or altered such as when the teacher enters on leave for an unknown duration, e.g. sick leave. This will also be the case where an overpayment has occurred as a result of an allowance payment, change in status or from a move from paid to unpaid sick leave for a period exceeding one month.

b) Where a salary payment in excess of a teacher’s entitlement has occurred, the teacher will be informed in writing of the details of the overpayment.

c) Where possible, taxation which can be ascribed to the overpayment will be recovered in order to reduce the teacher’s liability to the Department.

d) In addition to full details regarding the overpayment, in order to recover the overpayment teachers will be given the following options:

i) voluntary repayment in a lump sum, either by deduction from salary or by direct payment; or

ii) voluntary repayment over a period by fortnightly deductions from salary, such deduction to be at least three per cent of the normal gross fortnightly salary; or

iii) voluntary repayment over a period by regular direct payments, such payment to be at least three per cent of gross fortnightly salary.

e) A deduction of less than three per cent of gross fortnightly salary will be accepted only in cases of demonstrated extreme hardship.

10.1.5 Normal Salary Adjustments

a) A “normal salary adjustment” means a correction to a teacher’s regular salary payments that a teacher could reasonably have expected to occur when:

i) a teacher’s entitlement to paid leave is exhausted and leave is granted without pay or on reduced pay;

ii) a teacher’s regular hours of duty are increased or decreased;

iii) a teacher is granted leave without pay for a substantial known period;

iv) a teacher becomes entitled, or ceases to be entitled to receive a particular allowance (e.g. higher duty allowance); or

v) a teacher’s classification, status or hours of work are varied.
b) In the above circumstances teachers shall be notified of the variation and salary adjusted automatically for the pay period in which the variation occurs or a salary adjustment will be made as quickly as administratively possible after becoming aware of the circumstances necessitating such variations. The maximum salary adjustment will not exceed half the normal gross salary per pay period.

Where an overpayment of one week or more occurs as a result of a move from full pay to half/no pay sick leave, then automatic recovery action will not exceed two days’ gross salary per fortnight. Advice will be forwarded to the teacher stating that recovery action will occur in the next available pay period.

c) Cases of hardship may be referred via the leader of the appropriate salaries unit to the Director of Human Resources Services and Systems for consideration.

d) Where a salary adjustment is necessary as a result of an allowance payment, a change in status or when a teacher has moved from paid to unpaid sick leave, and the overpayment resulting is for a period in excess of one month, then the recovery will be treated as a salary overpayment and recovered in accordance with the salary overpayment procedures as set out above.
10.2 Allowances

10.2.1 Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award - Allowances

Information concerning the following allowances are found in the Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award 2004.

i) In lieu of evening work, weekend work, travel time (where applicable) and all additional duties and responsibilities involved, per annum allowances are payable to:

- home school liaison officers
- Aboriginal student liaison officers
- year advisers
- teachers required by the Director-General to have a Health Education Certificate
- the Principal of Stewart House
- the Assistant Principal of Stewart House
- the assistant principal of a central school
- the deputy principal (primary) of a central school
- teachers-in-charge
- the principals, other teachers in promotions positions and trained teachers in demonstration schools
- the principals of schools designated by the Director-General as schools for specific purposes
- teachers other than the principal appointed to teach classes of students with disabilities

ii) Allowance payable for demonstration lessons.

iii) Allowances payable in residential agricultural high schools.

iv) Allowance payable to supervisors of female students.

10.2.1.1 Demonstration Lessons

Claims for payment of the allowance payable for authorised demonstration lessons given to student teachers on behalf of a university should be forwarded directly to the relevant university.

10.2.1.2 Expense Allowance

a) Principals, up to and including PP5, are paid an expense allowance as adjusted from time to time. This is an annual allowance and continues to be payable while on all categories of paid leave, including leave payable on retirement. It is not included, however, in the payment of the monetary value of long service leave on resignation or dismissal.

b) The expense allowance does not form part of salary for superannuation or annual leave loading purposes.

c) The allowance forms part of salary when a teacher is appointed to the position of a relieving or acting principal.

d) An expense allowance is also paid to the deputy principal of Sydney Boys High School.
d) Expense allowance rates are as follows:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Rate Per Annum</th>
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</thead>
<tbody>
<tr>
<td>PP1 701+ students</td>
<td>$798</td>
</tr>
<tr>
<td>C1,C2 and PP2 450-700 students</td>
<td>$798</td>
</tr>
<tr>
<td>PP3 301-449 students</td>
<td>$667</td>
</tr>
<tr>
<td>C3,C4 and PP4 160-300 students</td>
<td>$667</td>
</tr>
<tr>
<td>PP5 26-159 students</td>
<td>$398</td>
</tr>
<tr>
<td>PH1 901+students</td>
<td>$798</td>
</tr>
<tr>
<td>PH2 0-900 students</td>
<td>$798</td>
</tr>
<tr>
<td>DP Sydney Boys High School</td>
<td>$798</td>
</tr>
<tr>
<td>P Sydney Boys High School</td>
<td>$1 598</td>
</tr>
</tbody>
</table>

10.2.1.3 Part Time Allowance

a) Teachers who are eligible for payment of the teacher-in-charge, demonstration school or students with disabilities allowance at the part time rate of pay in accordance with the Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award 2004 should claim the allowance on the General Claim Form at the end of each term.

b) Forms are available from the school or district office and when completed by the teacher the principal is required to certify the dates of attendance.

c) Claim forms should be sent to Teacher Salaries, and when processed, payment will be added to a normal fortnightly pay.

10.2.2 Locality Allowances

These notes should be read in conjunction with Clause 4 and Schedule 3 of the Crown Employees (Teachers in Schools and TAFE and Related Employees) Salaries and Conditions Award 2004 (Award).

10.2.2.1 Climatic Disability

a) Teachers appointed to schools located in the Western Division of New South Wales as defined in Schedule 3 of the Award are paid a climatic allowance for extreme summer temperatures.

b) A cold climate allowance is paid to teachers appointed to schools within a zone of New South Wales as defined in Schedule 3 of the Award.

c) The NSW Department of Education and Training Directory lists the schools that qualify for payment of the hot and cold climatic disability allowance.

10.2.2.2 Isolation from Socio-economic Goods and Services

a) A socio-economic allowance is paid to teachers appointed to schools which are situated in areas of the State that do not have immediate access to various goods and services.
b) Schools are listed in ten groupings dependent on the extent of isolation under Appendix A of Schedule 3 of the Award and schools which attract this allowance are also listed in the NSW Department of Education and Training Directory.

10.2.2.3 Motor Vehicle Allowance

Teachers appointed to schools in groups of 1 to 6 of Appendix A of Schedule 3 of the Award are paid a motor vehicle allowance, irrespective of whether or not they own a motor vehicle.

10.2.2.4 Vacation Travel Expense Allowance

a) Under the terms of Schedule 3 of the Award, when proceeding on vacation leave, teachers shall be entitled to the payment of certain travel expenses.

b) Eligibility and frequency of payment, in any calendar year, is based on the school to which the teacher is appointed as follows:

i) schools in groups 1 and 2 are eligible for three return vacation journeys;

ii) schools in groups 3 to 6 are eligible for two return vacation journeys; or

iii) schools in group 7; or

schools located more than 720 kilometres from Sydney by the nearest practicable route, other than a school referred to in (i) above; or

schools covered by Determination 21 made pursuant to s25 of the Teaching Services Act 1980,

are eligible for one return vacation journey.

c) A teacher with less than three years’ service, who at the time of appointment to the service was resident in the same locality as the school to which the teacher was appointed is not eligible for vacation travel expenses.

10.2.2.5 Reimbursement of Certain Expenses Related to Medical and Dental Treatment

a) In respect of a teacher appointed to a school listed in the Groupings of Schools under Appendix A of Schedule 3 of the Award, provision is made for reimbursement of certain travel and accommodation costs which may be incurred in obtaining medical or dental treatment from a qualified practitioner.

b) All claims for reimbursement must be made in writing to Teacher Services and must be substantiated by evidence of the expenses having been incurred.

c) Teachers on maternity leave are not eligible for the benefits of this section of Schedule 3 of the Award.

10.2.2.6 Payment of Allowances According to Marital Status

a) The Award sets down certain provisions in connection with the payment of allowances, covered under Schedule 3 of the Award.
The allowance varies according to the number of dependents you have. It also varies according to whether you are single or living with a partner or spouse who may or may not be a teacher. These details must be listed on the Teachers Locality Allowances form which is available from the school.

b) A new form must be submitted should a change in personal circumstances occur which would alter locality allowance entitlements.

**10.2.2.7 Disability Allowance (Broken Hill)**

Teachers appointed to schools in Broken Hill are paid an annual disability allowance in addition to the climatic allowance under the provisions of Schedule 3 of the Award. The rates are:

- Without Dependents : $130
- With Dependents : $183

**10.2.2.8 Lord Howe Island Allowance**

Teachers appointed to Lord Howe Island Central School are paid a special annual allowance in recognition of the extra cost of living which is encountered when living on the Island. The rates as from 12 February 2001 are:

- Without Dependents : $2,290
- With Dependents : $4,030

**10.2.3 Tertiary Fee Support (Higher Education Subsidies)**

a) Each year, subject to funding being available, the Department allocates funds to award subsidies to Departmental employees for professional development in areas related to Departmental priorities. The amount of the subsidy is reviewed each year.

b) These subsidies, which are very competitive, are to assist in meeting HECS or course tuition fees where such fees are charged in lieu of HECS. Subsidies are not for other compulsory charges such as student union or student activity fees, sports fees or library fees.

c) All teachers who are members of the Education Teaching Service whether permanent full time or permanent part time are eligible to apply for a subsidy.

d) Advertisements regarding availability of higher education subsidies appear annually.
10.3 Teachers’ Salaries

10.3.1 Classroom Teachers, Education Officers, Home School Liaison Officers, Aboriginal Student Liaison Officers, School Counsellors

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<thead>
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<th>Per annum $</th>
<th>Commencing and Maximum Salary Levels</th>
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<tr>
<td></td>
<td>Salary on and from 2.7.04</td>
<td>Salary on and from 14.1.05</td>
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<tr>
<td>Step 1</td>
<td>34,647</td>
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<td>60,784</td>
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<td>Step 13</td>
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10.3.2 Teachers-in-Charge of Environmental Education Centres and Hospital Schools

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<td>76,779</td>
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<tr>
<td>Teacher-in-Charge – Grade 2 Environmental Education Centres or Hospital Schools</td>
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### 10.3.3 Promotion Classifications

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<tr>
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<td>86,783</td>
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<tr>
<td>C1</td>
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<tr>
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<tr>
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<tr>
<td>Deputy Principal (Secondary)</td>
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<td>73,383</td>
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<td>Senior Assistant</td>
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<td><strong>Non-school Based Teaching Service Classifications</strong></td>
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<tr>
<td>Year 3</td>
<td>78,274</td>
<td>81,014</td>
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Promotion positions in schools for specific purposes shall receive the same salary as applicable to similar positions in primary schools. Provided that in determining the principal’s salary the student enrolment numbers shall be notionally determined by multiplying the permanent full time teaching staff by 30. Teaching staff, for this purpose does not include staff, including the principal, who are not required to undertake face to face teaching duties.

Notes

# Conditionally trained teachers remain on 1st step of the appropriate incremental scale for the first two years of service, before progressing to the appropriate maximum step by annual increments.
## 11 Separation from the Service

### 11.1 Resignation or Retirement

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11.1 Resignation or Retirement

a) Before resigning from the Education Teaching Service teachers should ensure that other available options such as long service leave, leave without pay, permanent part time work, part time leave without pay or maternity leave have been considered.

b) There is no compulsory retirement age and teachers must make an individual decision as to the age at which they wish to retire.

c) In respect of contributors to a State Government superannuation scheme, advice should be sought from Pillar Administration (see Chapter 12 for contact details) regarding the superannuation aspects of a decision to resign or retire.

11.1.1 Notice of Resignation or Retirement (Separation)

a) Notice of resignation or retirement should be submitted on the Teachers’ Notice of Separation form which is available in schools.

b) Notice of resignation or retirement may be given at any time but should be submitted at least one month prior to the date on which separation from the service is to be effective.

Where a teacher proposes to resign or retire with the last day of service occurring during or at the end of a school vacation, the notice of resignation/retirement should be submitted at least one month prior to the last day of the relevant school term.

c) The Department has the authority not to accept a teacher's notice of resignation or retirement in cases where the teacher is the subject of an investigation or other sensitive management process.

d) To assist in the selection of appropriate and qualified staff and to ensure prompt payment of benefits, where possible, teachers are asked to submit their notice anything up to six months in advance.

e) The separation form, when completed by a teacher and signed by the principal, should be sent by the principal to Teacher Services Unit. In the case of a principal, the separation form should be signed by the district superintendent.

f) Any comments made by the principal or district superintendent on the form must be shown to the teacher.

g) The teacher should ensure they complete any necessary forms required by Pillar to effect payment or preservation of superannuation entitlements.

h) Permanent teachers who resign or retire will be issued with a letter of approval to work with the NSW Department of Education and Training in a casual or temporary capacity. The letter of approval will be issued by Teacher Services Unit effective from the resignation/retirement date.

The letter of approval will not be issued if the principal/district superintendent recommends that the teacher should not work in a casual or temporary capacity, fails to complete the relevant recommendation on the separation form, or in cases where the teacher's resignation has been tendered as part of a resolution of an investigation, other sensitive management process or workers' compensation settlement.
11.1.2 Effective Date of Resignation or Retirement

a) When completing the separation form, teachers must indicate the effective date of resignation or retirement. Where this date is during a school term the effective date should be the last day of active duty or approved leave. Care should be taken in selecting this date as payment of benefits such as long service leave and superannuation can be dependent on length of service.

b) Teachers resigning or retiring while on leave of absence may nominate that the resignation or retirement is to become effective from the date the separation form is completed, dated and signed or they may nominate an effective date which is on or before the last date of the approved leave. The nominated date, however, cannot be back dated to a date which falls before the separation form is signed and dated by a teacher or, if completed on or after the date of expiration of a period of leave, cannot be back dated to a date earlier than the last date of approved leave.

11.1.3 Resignation or Retirement During a Term

Where a teacher’s resignation or retirement becomes effective during a school term, payment of salary ceases at the end of the school day on which the teacher ceases duty. If the last day of duty is a Friday, salary is not payable for the weekend.

11.1.4 Vacation Pay

11.1.4.1 Election of Vacation Payment

The separation form makes provision, in the case of teachers resigning or retiring from the end of a school term, to make an election regarding the method of payment for vacation pay entitlements. Three options are available as follows:

i) elect to be paid a lump sum for the whole vacation in which case the resignation or retirement becomes effective from the last day of term;

ii) elect to be paid a lump sum for part of the vacation in which case the resignation or retirement becomes effective from a date nominated which falls within the vacation period;

iii) elect to be paid fortnightly payments for the duration of the vacation in which case the resignation or retirement becomes effective from the last day of the vacation.

11.1.4.2 Advantages and Disadvantages of Electing Lump Sum Payment

a) Advantages

- Vacation pay entitlement is paid in a lump sum in advance as distinct from fortnightly payments.
- The lump sum is regarded as a gratuity payment for taxation purposes which may result in a taxation saving for some teachers.
- In respect of contributors to a State Government superannuation scheme, benefit is payable from the first day of the vacation.

b) Disadvantages

- Employment ceases on the last day of term and the resignation or retirement cannot be withdrawn subsequent to that day.
- A teacher will not receive any incremental progression, award or agreement salary increases which may take effect during the vacation.
This could affect the monetary value of long service leave and in respect of contributors to a State Government superannuation scheme, could mean the loss of additional benefits.

- The vacation period will not count as service for long service leave purposes. This could be a vital consideration in marginal cases where a teacher is approaching eligibility to qualify for payment of monetary value of long service leave. See Section 4.9, Long Service Leave for details.

- The vacation period will not count as service in respect of superannuation retirement benefits or withdrawal benefits from a State Government superannuation scheme.

- Miscellaneous deductions from fortnightly salary will not be debited from lump sum payments.

11.1.4.3 Vacation Payment Entitlement

"Under Review" as a result of reforms arising from the 2009 teachers’ award outcome

11.1.5 Reason for Separation from the Service

a) The reason for resignation or retirement should be indicated on the separation form in the appropriate space, e.g. personal reasons, other employment, etc.

b) Completion of this section is particularly relevant to teachers who have completed more than five years but less than ten years service. Payment of the monetary value of long service leave for teachers in this category is only made where the reason for separation from the service is because of illness, incapacity, or other pressing necessity. Pressing necessity may include marriage, family responsibilities, child rearing or the impending birth of a child.

11.1.6 Long Service Leave - Payment of Monetary Value

a) A teacher who has acquired a right to long service leave will be paid the monetary value of any leave entitlement on resignation or retirement.

b) When a long service leave payment is made on resignation or retirement, taxation instalments are calculated according to the service period in which the entitlement accrued, in three components:

i) Long service leave accrued prior to 15 August 1978 – five per cent of the value of unused long service leave from the period prior to 15 August 1978 will be taxed at the rate of 30 per cent (plus Medicare levy);

ii) Long service leave accrued in the period 16 August 1978 to 17 August 1993 – the total monetary value of unused long service leave from the period 16 August 1978 to 17 August 1993 will be taxed at the rate of 30 per cent (plus Medicare levy);

iii) Long service leave accrued after 17 August 1993 – the total monetary value of unused long service leave accrued after 17 August 1993 will be taxed at normal (marginal) taxation rates.

11.1.7 Withdrawal of Resignation or Retirement

a) Notice of resignation or retirement cannot be withdrawn after the date on which the notice became effective.
b) Should a teacher wish to withdraw notice of resignation or retirement, a written request should be submitted through the principal or district superintendent to Teacher Services Unit, prior to the day on which the notice is to become effective.

c) When a teacher submits a separation form to the Department indicating that they intend to resign or retire from the service, their position will be declared vacant. Teachers who apply to withdraw their notice of resignation or retirement will only be considered for re-appointment to their current position if a replacement teacher has not been appointed.

### 11.1.8 Records of Employment

a) Current and former teaching service staff who require a record of employment should make a written application to:

<table>
<thead>
<tr>
<th>Employment Category</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent Teachers (school based)</td>
<td>Teacher Services Unit</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td></td>
<td>Hamilton Delivery Centre</td>
</tr>
<tr>
<td></td>
<td>HAMILTON NSW 2303</td>
</tr>
<tr>
<td>Permanent/Temporary Teachers (non school based)</td>
<td>Corporate Employees Services Unit</td>
</tr>
<tr>
<td></td>
<td>Level 13</td>
</tr>
<tr>
<td></td>
<td>1 Oxford Street</td>
</tr>
<tr>
<td></td>
<td>DARLINGHURST 2010</td>
</tr>
<tr>
<td>Temporary/Casual Teachers</td>
<td>Payroll Services Unit</td>
</tr>
<tr>
<td></td>
<td>Locked Bag No 3010</td>
</tr>
<tr>
<td></td>
<td>BLACKTOWN NSW 2148</td>
</tr>
</tbody>
</table>

b) A record of employment does not indicate suitability for further employment nor does it constitute a reference.

c) Any teacher who attempts to falsify information on a record of employment may be liable to disciplinary action.

### 11.1.9 Employment Separation Certificates

Current and former teaching service staff who require an Employment Separation Certificate should make a written application to:

<table>
<thead>
<tr>
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<tr>
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<td>Locked Bag No 12</td>
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<tr>
<td>Permanent/Temporary Teachers (non school based)</td>
<td>Corporate Employees Services Unit</td>
</tr>
<tr>
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<td>Level 13</td>
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<tr>
<td></td>
<td>1 Oxford Street</td>
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<td>DARLINGHURST 2010</td>
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<td>Temporary/Casual Teachers</td>
<td>Payroll Services Unit</td>
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<td></td>
<td>Locked Bag No 3010</td>
</tr>
<tr>
<td></td>
<td>BLACKTOWN NSW 2148</td>
</tr>
</tbody>
</table>
11.1.10 Superannuation Forms

a) On resignation or retirement from the service, contributors to a State Government superannuation scheme must complete exit forms.

b) The superannuation exit documents for teachers who are retiring or resigning should be obtained from Pillar Administration and returned to the same authority.

c) The above information is based on superannuation provisions applicable prior to the issue of the Teachers Handbook. As changes to superannuation legislation can have a significant impact on entitlements, teachers should contact the Pillar Administration Customer Service Centre for advice. See Chapter 12 for contact details.

11.1.11 Federal Elections

See Section 4.8.17.2, Leave Without Pay for details.
11.2 Medical Retirement

11.2.1 General
A permanent teacher, who because of invalidity or physical or mental incapacity, is unable to perform the duties of her or his position may be medically retired from the Education Teaching Service.

11.2.2 Medical Examination
A medical examination will be arranged in order to determine a teacher’s fitness to continue in employment where:

i) the teacher requests an examination; or

ii) a medical certificate is submitted covering a period in which a teacher’s sick leave with pay will cease and the medical condition is such that it is highly unlikely that the teacher will be able to continue in the teaching service;

iii) where the medical certificate indicates an absence of at least six months; or

iv) where the teacher is frequently absent due to illness and/or concern is held for the teacher’s health or wellbeing.

11.2.3 Medical Appeals Panel

a) Teachers who are found to be unfit for the duties of their position will be advised of the decision and appeal rights by HealthQuest.

b) The appeal period is 21 calendar days from the date of HealthQuest’s letter to the teacher advising him or her of the right of appeal.

c) No action to proceed with the medical retirement of a teacher is taken until:

i) the teacher waives the right of appeal; or

ii) the 21 day appeal period has expired with no appeal lodged; or

iii) the appeal is determined.

d) Where a teacher is found unfit for the duties of their position the teacher may be medically retired under Section 76 of the Teaching Services Act 1980.

e) Where an appeal is lodged against the decision that a teacher remains fit for work, no administrative action is taken regarding the allocation of any sick leave until the outcome of the appeal is known. If the appeal is upheld, sick leave to credit will be granted. The teacher may resume duty pending the outcome of their appeal.

11.2.4 Last Day of Service
The last day of service of a teacher who is to be medically retired will be the date that the medical report is signed unless:

i) the teacher is eligible for special sick leave, in which case the last day of service will be the date that special sick leave ceases; or

ii) the teacher appeals, in which case the last day of service will be the date the Medical Appeals Panel makes a decision; or
iii) the teacher, because of special circumstances, is permitted to take a period of long 
service leave or leave without pay, in which case the last day of service will be the 
date that leave ceases. This can occur where the teacher would otherwise suffer 
financial disadvantage by not being in the service to qualify for a salary increase or 
进一步 superannuation units.

11.2.5 Vacation Leave and Long Service Leave

Following determination of a teacher's last day of service the Department will automatically 
calculate any vacation pay or long service leave entitlement and pay any benefits as a lump 
sum.

11.2.6 Medical Retirement and Workers' Compensation

Teachers who are medically retired because of a work related illness or injury should contact 
the GIO regarding the continuation of workers' compensation payments.

11.2.7 Superannuation and Government Benefits

a) The Department advises Pillar Administration of the medical retirement of all 
contributors to a State Government superannuation scheme.

b) Teachers who are contributors to the State Superannuation Scheme will be eligible 
for pension benefits following medical retirement.

c) Contributors to the State Authorities Superannuation Scheme will be eligible for lump 
sum benefits subject to meeting the specific requirements of the fund.

d) Eligibility for payment of any superannuation benefit will be determined by the 
relevant superannuation authority.

e) Teachers who are not contributors to a State Government superannuation scheme 
may be eligible for payment of a disability support pension and should contact 
Centrelink for information.

f) The above information is based on superannuation provisions applicable prior to the 
issue of the Teachers Handbook. As changes to superannuation legislation can have 
a significant impact on entitlements, teachers should contact Pillar Administration's 
Customer Service Centre for advice.

11.2.8 Re-employment of Medically Retired Teachers

a) Before a teacher is re-employed in any capacity (including casual or temporary) after 
having been medically retired, the teacher must:

i) complete an application for re-employment and attach a certificate of fitness 
from a registered medical practitioner, preferably one who has treated the 
applicant for the last twelve months at least;

ii) undertake a personal suitability interview;

iii) if successful at the personal suitability interview, undertake a medical 
examination for the purposes of determining fitness for re-employment as a 
teacher. The medical examiner will be determined by the Department.

b) Teachers who have been approved to resume duty will be given, on compassionate 
grounds, the same status for appointment to a suitable vacant position as other 
teachers with compassionate status for transfer.
It will be in the teacher’s best interest to include a broad range of schools in which they are prepared to work. The appointment of such teachers will be subject to the availability of a suitable vacancy.

c) Pillar Administration will be notified when a teacher in receipt of a state superannuation pension is re-employed.

d) Any inquiries concerning superannuation entitlements should be addressed to the advisory section of the Pillar Administration at PO Box 1229, South Coast Mail Centre NSW 2521. See Chapter 12 for other contact details.
12 Superannuation

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<th>Section</th>
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<td>Introduction</td>
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<tr>
<td>12.4.2</td>
<td>Membership of SSS</td>
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<td>SSS Contributions for Teachers on Full Time Leave Without Pay</td>
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<td>SSS Contributions for Teachers on Part Time Leave Without Pay</td>
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<td>If the Member is Paid on the Department’s Payroll</td>
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<td>12.4.8.3</td>
<td>Annual Review Day</td>
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<td>Leaving the Department of Education and Training Employment</td>
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<td>12.4.9.1</td>
<td>Transfer or Resignation</td>
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<td>12.4.9.2</td>
<td>Early Voluntary Retirement</td>
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<td>12.4.9.3</td>
<td>Normal Retirement</td>
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<td>12.4.9.4</td>
<td>Invalidity Retirement</td>
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<td>12.4.9.5</td>
<td>Death of a Member</td>
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<td>12.4.9.6</td>
<td>&quot;Basic Benefit&quot;</td>
<td>12</td>
</tr>
</tbody>
</table>
12.1 Introduction

The information in this chapter is based on superannuation provisions applicable prior to the issue of the Teachers Handbook.

There are currently three public sector superannuation schemes which may apply to teaching staff in schools:

X First State Super (FSS)
X State Authorities Superannuation Scheme (SASS)
X State Superannuation Scheme (SSS)

These schemes are administered by Pillar on behalf of the schemes Trustee. Teachers should contact the Pillar Customer Service Centre for information regarding individual entitlements.

12.1.1 Tax File Numbers

It is not compulsory to provide a tax file number (TFN) to Pillar. However, if the TFN is not provided tax is deducted at the highest marginal rate. As a result of Commonwealth Tax Surcharge legislation, members who have not provided their TFN could also have a further tax imposed.

12.1.2 Pillar Customer Service Centre

It is very important that members understand the rules of their scheme. Pillar Customer Service Centre assists members with information about their scheme membership and with information about spouse contributions, the superannuation surcharge and accessing superannuation benefits (arrangements can be made for information to be provided in translation).

For contact details, see the information at the end of this Chapter.
12.2 First State Super (FSS)

12.2.1 Introduction

First State Super (FSS) is the NSW Government superannuation scheme set up to accept and manage the compulsory superannuation contributions that public sector employers are required to make for their employees in terms of the Commonwealth Superannuation Guarantee legislation. FSS was established by the First State Super Act, 1992 and is administered by the Pillar on behalf of the schemes Trustee.

12.2.2 Membership of FSS

Employees automatically became members of FSS if they were aged under 70 years re employed for ten hours or more a week, and were not members of one of the previous schemes (an exception would be staff who are members of SSS or SASS and are also employed as a casual or temporary eg while on leave without pay).

Contributions cease at age 70.

Members of the closed schemes (ie SSS or SASS) can choose to make personal ("top up") contributions to FSS.

12.2.3 Contributions to FSS

12.2.3.1 Employer Contributions

The employer’s contribution is based on the total earnings for ordinary hours of work plus any earnings from shift loading. Overtime and lump sum payments on termination of employment are not included (for more information refer to the Taxation Office ruling, Superannuation Guarantee Ruling: Ordinary Time Earnings).

The employer contribution required to be made to FSS is 9% of ordinary time earnings from 1 July 2002.

FSS is unable to accept contributions for an employee who has reached age 70.

12.2.3.2 Personal Contributions

FSS members can add to their existing scheme entitlements by making personal contributions from their after tax pay to FSS. FSS also accepts Eligible Termination Payments rolled over from another superannuation or rollover fund. FSS is generally unable to accept top up contributions after a member reaches age 70.

Personal contributions (there is no minimum contribution) can be made by regular deductions from after tax pay or by single payments made at any time (the teacher can make this payment directly to FSS). To authorise deductions from pay, it is necessary to fill in a Payroll Deduction Authority form (contained in the FSS member information booklet).

12.2.4 FSS Contributions for Teachers on Leave Without Pay and Paid Maternity Leave

Contributions to FSS cease during periods of leave without pay and paid maternity leave. The Teachers Salaries Section should be advised if the amount of optional personal contribution is to be reduced during part time leave without pay.
12.2.5 Transfer or Secondment within the NSW Public Sector

If a teacher is transferred or seconded within the NSW public sector they keep their existing FSS account.

12.2.6 Leaving Public Sector Employment

FSS benefits are portable so the member can elect to leave their accrued benefit in FSS or transfer it to another scheme for preservation under Commonwealth standards. Further information is available from Pillar’s Customer Service Centre. Contact details are provided at the end of this Chapter.

12.2.7 Retirement Age for FSS

The rules of FSS set the earliest retirement age at 55 years. However, access to payment of benefits is governed by the Federal Government’s preservation rules. Further information is available from Pillar’s Customer Service Centre. Contact details are provided at the end of this Chapter.

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<th>Date of Birth</th>
<th>Preservation Age</th>
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<td>Before 1.7.60</td>
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</tr>
<tr>
<td>1.7.60 – 30.6.61</td>
<td>56</td>
</tr>
<tr>
<td>1.7.61 – 30.6.62</td>
<td>57</td>
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<tr>
<td>1.7.62 – 30.6.63</td>
<td>58</td>
</tr>
<tr>
<td>1.7.63 – 30.6.64</td>
<td>59</td>
</tr>
<tr>
<td>After 1.7.64</td>
<td>60</td>
</tr>
</tbody>
</table>

12.2.8 Invalidity Retirement or Death of a Member

Information about an invalid or deceased member's entitlements is available from Pillar’s Customer Service Centre. Contact details are provided at the end of this Chapter.

12.2.9 Statements

Generally, two statements are issued to members each year. That is a half yearly statement providing account details for the period 1 July to 31 December (issued to members whose account balance exceeds $1,000) and the annual statement covering details for the previous year to 30 June.
12.3  State Authorities Superannuation Scheme (SASS)

12.3.1  Introduction

The State Authorities Superannuation Scheme (SASS) is a hybrid scheme governed by the State Authorities Superannuation Act 1987, the State Authorities Non-contributory Superannuation Act 1987 and the Superannuation Administration Act 1996. It is administered by Pillar on behalf of the scheme Trustee.

12.3.2  Membership of SASS

From 1 July 1985 new employees were eligible to join the State Public Service Superannuation Scheme (SPSSS). The SPSSS was replaced by SASS which started on 1 April 1988. Members of SPSSS transferred to SASS with existing entitlements.

SASS closed to new members on 18 December 1992.

As there is some variation to the standard features of the scheme for members who transferred into SASS from the older, closed schemes, these members should check their individual circumstances with Pillar's Customer Service Centre before making any decisions on the options that may be available to them.

Members of SASS can choose to make personal (“top up”) contributions to First State Super.

12.3.3  SASS Contributions for Teachers on Unpaid Leave

12.3.3.1  “Prescribed Leave”

“Prescribed Leave” is a period of leave without pay during which the member:

X is on sick leave without pay*;
X gets workers’ compensation payments;
X is on maternity/adoption leave without pay*;
X is seconded to a non-fund employer;
X does union duties (six months or less, approved by the Department of Education and Training);
X does approved duties for the Department or the State;
X is on service with the naval, military or air forces of the Commonwealth;
X is on approved study leave without pay* (with financial assistance only).

*The Commonwealth’s occupational superannuation standards prohibit employer-sponsored superannuation funds from accepting contributions for persons who have not been employed either full time or part time (at least ten hours a week) during the previous two years. From 1 January 1994, a continuous period of “prescribed leave” for more than two years of sick, maternity, adoption leave without pay and study leave ceases to be “prescribed leave” and Pillar must be advised. The member cannot elect to pay the employer contributions during this period.

Pillar is not advised of "prescribed leave" and members have two options for payment of contributions:

Option (a)

The member can apply to Pillar on the grounds of financial hardship, to reduce their personal contributions to as low as 0% for a limited period. The election must be submitted within three months of the member:
being advised of the amount of arrears owing for the period of leave without pay; or

starting on workers’ compensation payments (providing the payments are less than the member’s normal salary).

If the application is approved for 0%, the contributions are not payable, the period does count as service although benefit points do not accrue.

Option (b)

The member pays their normal personal contributions, for the whole period, at the rate that applied before they started the leave without pay, to the Department.

The member does not have to pay the employer contributions to the Department, and the period of leave counts for benefit point accrual and the employer-financed benefit. Additional benefit cover contributions (if they apply) continue to be charged to the member’s account.

The member pays their personal contributions to the Department in a lump sum in advance, in regular fortnightly payments in advance, or in regular fortnightly payments during the period of leave.

12.3.3.2 Full Time Leave Without Pay

Whole calendar months of full time leave without pay do not count as contributory service. Personal contributions are not paid and no employer-financed benefit accrues. The member continues to pay full contributions for part months and the employer-financed benefit accrues.

Generally, leave without pay of more than five continuous days does not count for service for the calculation of the basic benefit.

12.3.4 SASS Contributions for Teachers on Part Time Leave Without Pay or Changed Work Arrangements

The amount of personal contribution is adjusted on the basis of the new salary if a member changes:

X from permanent full time to part time work;
X from permanent part time to full time work;
X permanent part time hours worked;
X takes part time leave without pay, including part time parental leave without pay and non approved study leave without pay.

12.3.5 SASS Contributions for Teachers on Temporary Appointments, Secondments or Acting Arrangements

12.3.5.1 Temporary Appointments or Higher Duties in the Department of Education and Training

If the member is on a temporary appointment, as a result of competitive selection for an advertised position, which is to be continuous for at least one year, the higher salary can be advised to Pillar for the annual salary review. If a temporary appointment or higher duties (at the full rate) for less than one year is extended, the higher salary can be advised to Pillar for the annual salary review after the member has completed one continuous year at the higher rate.
12.3.5.2 Temporary Appointments, Secondments or Acting Arrangements to Another Organisation

If a teacher is on temporary appointment, secondment or acting arrangements to another organisation (including to the NSW TAFE Commission) Pillar is not advised of the release. The Department remains the employer for both the employee and employer contributions. The teacher’s personal contributions are deducted by the temporary employer and reimbursed to the Department.

The Department is reimbursed for the employer contributions if the temporary employer is not a budget sector employer, but is not reimbursed if the temporary employer is a budget sector employer.

If the member’s annual salary review at 31 December occurs while they are on the release the salary advised is as follows:

- Teachers appointed on a higher salary for at least one year can have the higher rate advised to Pillar if the employer is a participating employer to the fund. If the appointment is for less than one year, the higher rate can be advised after completion of one continuous year at the higher rate. If the higher rate is paid by allowance, the allowance must be paid at the full rate.

- Teachers appointed on a higher salary to an employer who is not a participating employer to the fund cannot have the higher rate advised to Pillar unless the Governor has declared the employer is a participating employer in the circumstances. The salary that applies is the substantive salary that the Department would have paid if the teacher was not on the release. This includes Award variations and increments.

12.3.6 Leaving the Department of Education and Training

12.3.6.1 Resignation

Resignation applies if a teacher accepts a permanent position in the NSW public sector which is not in the Public Service, for example, a position in the NSW TAFE Commission. However, if the member resumes employment with another participating employer to the fund, SASS membership can continue. A former contributor can apply to retain membership in the Scheme where the break in service is less than three calendar months, application for payment of benefits has not been made, and an election to reenter the Scheme is made within three months of re-employment.

12.3.6.2 Retirement

The earliest retirement age for the purposes of SASS is generally at 58 years or over (members who transferred from other Schemes may be eligible to retire at 55 years) and for the basic benefit 55 years.

12.3.6.3 Invalidity Retirement

An invalidity benefit is payable if a member is retired before their earliest retirement age (see Section 12.3.6.2 above) on the grounds of physical or mental incapacity to perform their duties. Further information is available from Pillar’s Customer Service Centre. Contact details are provided at the end of this Chapter.
12.3.6.4 Death of a Member

Information about a deceased member’s entitlements is available from Pillar’s Customer Service Centre. Contact details are provided at the end of this Chapter.

12.3.6.5 “Basic Benefit”

The "Basic Benefit" is paid for by the employer and is payable in a lump sum on exit from employment at or after age 55 (in accordance with the Federal Government’s superannuation payment standards) and on total and permanent invalidity or death before that age (two doctor’s certificates certifying total and permanent invalidity are required). In other circumstances of exit from employment before age 55 (e.g. resignation) the benefit is generally required to be preserved.

Generally, a period of leave without pay of five days or more does not count as service for the "Basic Benefit".

<table>
<thead>
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<th>Date of Birth</th>
<th>Preservation Age</th>
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<tbody>
<tr>
<td>Before 1.7.60</td>
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12.4 State Superannuation Scheme

12.4.1 Introduction

The State Superannuation Scheme (SSS) is a defined benefit scheme governed by the Superannuation Act 1916 and the State Authorities Non-contributory Superannuation Act 1987 and administered by Pillar on behalf of the scheme Trustee.

12.4.2 Membership of SSS

The SSS closed to new members on 30 June 1985.

The standard entitlements for members are the employer and contributor financed benefits and the additional ‘Basic Benefit’. The “Basic Benefit” is an employer financed benefit equivalent to 3% of final average salary for each year of service from 1 April 1988.

12.4.3 SSS Contributions for Teachers on "Approved Leave"

"Approved leave" is a period of leave without pay during which the member:

X is on sick leave without pay*;
X gets workers’ compensation payments;
X is on maternity/adoptive leave without pay*;
X is seconded to a non-fund employer;
X does union duties (six months or less, approved by the Department of Education Training);
X does approved duties for the Department or the State;
X is on service with the naval, military or air forces of the Commonwealth;
X is on approved study leave without pay* (with financial assistance only).

*The Commonwealth’s occupational superannuation standards prohibit employer-sponsored superannuation funds from accepting contributions for persons who have not been employed either full time or part time (at least ten hours a week) during the previous two years. From 1 January 1994, a continuous period of "approved leave" for more than two years of sick, maternity, adoption leave without pay or study leave ceases to be "approved leave" and Pillar must be advised. The member cannot elect to pay the employer contributions and must take a reduction in unit entitlement (they must continue to pay their employee contributions).

Pillar must be asked for "approved leave", however, the "Leave Without Pay Election Form" is not filled in.

During "approved leave" the member does not have to pay the employer contributions, however, they do have to pay their personal contributions for the whole period of service (if deferring payment, the member should write to the State Superannuation Contributions Section at Pillar to arrange payment details).

Part time "approved leave" is treated as service, unless the member requests to be treated in the same manner as part time employee work (see Section 12.4.6).

12.4.4 SSS Contributions for Teachers on Full Time Leave Without Pay

12.4.4.1 Full Time Leave Without Pay (Not "Approved Leave") Up to Six Months

The member has to pay their personal contributions (at the rate that applied before the leave without pay) for the whole period of leave without pay to Pillar (they must contact Pillar to arrange payment). They do not have to pay the employer contributions to the Department.
Payment can be made in a lump sum in advance or in regular four weekly payments in advance. Payment can be deferred until return from leave, however there is an interest charge.

It is a condition of approval, required by superannuation legislation, that before the member starts the leave they fill in a "Leave Without Pay Election Form". Because the member does not have to pay the employer contribution they must choose Section (a), "I elect to retain my full unit entitlement", on the "Leave Without Pay Election Form".

12.4.4.2 Full Time Leave Without Pay (Not "Approved Leave") More than Six Months and Up to Two Years

It is a condition of approval, required by superannuation legislation, that before the leave starts the member must fill in a "Leave Without Pay Election Form". The member has two options:

Option (a) - Election to keep the current unit entitlement

The member must pay their personal contributions (at rate that applied before the leave without pay) for the whole of the period of leave without pay to Pillar (they must contact the State Superannuation Contributions Section at Pillar to arrange payment). They must also pay the employer contributions for the whole of the period of leave without pay to the Department.

Payment of personal contributions can be made in a lump sum in advance or in regular four weekly payments in advance. Payment can be deferred until return from leave, however there is an interest charge.

Payment of the employer contributions to the Department can be made as a lump sum or at regular intervals before the period of leave without pay. Because superannuation cover is continued during leave without pay, approval to defer payment of the employer contributions to the Department would only be granted in special circumstances.

Approval to defer payment of the employer contributions is generally only for the “deferred” portion (the part of the superannuation liability which becomes payable by the Treasury on the emergence of pension). The “present” portion of the employer contributions continues to be paid to Pillar during periods of leave without pay.

There is no refund of the “deferred” portion of the employer contributions on retirement or medical retirement. However, if the member resigns during a period of leave without pay they are entitled to a refund of the deferred portion of the employer contributions. A teacher who resigns from the service should make a separate written application to Teacher Services for a refund of the “deferred” portion of the employer contributions.

Option (b) - the member elects to accept a unit reduction

The current unit entitlement is reduced for the part of the period of leave without pay which is more than three months. The member has to pay their personal contributions (at the rate that applied before the leave without pay) for the whole of the period of the leave without pay to Pillar (they must contact the State Superannuation Contributions Section at Pillar to arrange payment). They do not have to pay the employer contributions to the Department.

Payment can be made in a lump sum in advance or in regular four weekly payments in advance. Payment can be deferred until return from leave, however there is an interest charge.
12.4.4.3 Full Time Leave Without Pay (Not “Approved Leave”) More than Two Years

The Commonwealth’s occupational superannuation standards prohibit employer-sponsored superannuation funds from accepting contributions for persons who have not been employed either full time or part time (at least ten hours a week) during the previous two years.

Effective from 1 January 1994, members who take sick and maternity leave without pay of more than two years and have elected to retain their unit entitlement, cannot continue to elect to accept liability for payment of employer contributions. The unit entitlement is reduced for that part of the leave without pay which is more than two years (the member continues to pay their personal contributions to Pillar).

Pillar must be advised by the employer of full time sick and maternity leave without pay of more than two years.

12.4.5 SSS Contributions for Teachers on Part Time Leave Without Pay

Generally, periods of part time leave without pay (non approved) will be converted to a full time equivalent period and the rules of ‘full time leave without pay’ (see Section 12.4.4) applied.

From 1 April 1999, part time leave without pay can be treated the same as part time work (see Section 12.4.6). This provision will only apply if the member so requests. The change can apply to any new period of part time leave without pay which starts on or after 1 April 1999.

As the member’s employee contributions continue to be deducted from their salary at the full time rate during part time leave without pay it is not necessary to arrange payment of the personal contributions to Pillar.

12.4.6 SSS Contributions for Teachers on Changed Work Arrangements

If a member changes from full time to part time, from part time to full time or changes the part time hours worked, Pillar must be advised before the work arrangements are changed (the "Change in Contributor's Basis of Employment" form is used).

If the change is from full time to part time work, contributions paid before the change are allocated to purchase fully-paid units in the Scheme and a new reduced unit entitlement is determined (this applies for the whole of the contributor's period of membership of the Scheme).

12.4.7 SSS Contributions for Teachers on Temporary Appointments or Higher Duties in the Department of Education and Training

If the member is on a temporary appointment, as a result of competitive selection for an advertised position, which is to be continuous for at least one year, the higher salary can be advised to Pillar for their annual salary review. If a temporary appointment or higher duties (at the full rate) for less than one year is extended, the higher salary can be advised to Pillar for the annual salary review after the member has completed one continuous year at the higher rate.

12.4.8 SSS Contributions for Teachers on Temporary Appointments, Secondments or Acting Arrangements to Another Organisation

The Pillar is advised of temporary appointments, secondments or acting arrangements to another organisation (including to the NSW TAFE Commission).
12.4.8.1 If the Member is Not Paid on the Department’s Payroll

The member is responsible for ensuring that their employee contributions are paid to Pillar.

The Department (a budget sector agency) is reimbursed by the temporary employing organisation for the employer contributions except where the temporary employer is also a budget sector employer.

12.4.8.2 If the Member is Paid on the Department’s Payroll

Because the member is being paid on the Department payroll the employee contributions continue to be sent to Pillar.

12.4.8.3 Annual Review Day

If the member’s annual review day occurs while they are on temporary appointment/secondment/acting arrangements to another organisation (including to the NSW TAFE Commission) the salary to be advised to Pillar is as follows:

Teachers appointed on a higher salary for at least one year, can have the higher rate advised to Pillar if the employer is a participating employer to the fund. If the appointment is for less than one year, the higher rate can be advised after completion of one continuous year at the higher rate. If the higher rate is paid by allowance, the allowance must be paid at the full rate.

Teachers appointed on a higher salary to an employer who is not a participating employer to the fund cannot have the higher rate advised to Pillar unless the Governor has declared the employer is a participating employer in the circumstances. The salary that applies is the substantive salary that the Department would have paid if the member was not on the release. This includes Award variations and increments.

12.4.9 Leaving the Department of Education and Training

12.4.9.1 Transfer or Resignation

If a member transfers to another public service organisation (i.e. under the Public Sector Employment and Management Act 2002) SSS membership continues (Pillar is advised).

Resignation applies if a member accepts a permanent transfer within the NSW public sector which is not in the Public Service, for example, a position in the NSW TAFE Commission. However, if the member resumes employment with another participating employer to the fund, SSS membership can continue. A former contributor can apply to retain membership in the Scheme where the break in service is less than three calendar months, application for payment of benefits has not been made, and an election to reenter the Scheme is made within three months of reemployment.

12.4.9.2 Early Voluntary Retirement

Provided they have been a contributor to the Fund continuously for the previous ten years, early voluntary retirement is available to members with a normal retirement age of 60 years, at any time from age 55 onwards (a woman contributing for retirement at age 55 cannot elect for retirement prior to that age).

12.4.9.3 Normal Retirement

Normal retirement age is 60 except for female members who elected on joining to
retire at age 55.

12.4.9.4 Invalidity Retirement

Invalidity retirement applies if a member is physically or mentally incapable of performing their duties. Further information is available from the Pillar Customer Service Centre. Contact details are provided at the end of this Chapter.

12.4.9.5 Death of a Member

Information about a deceased member's entitlements is available from the Pillar Customer Service Centre. Contact details are provided at the end of this Chapter.

12.4.9.6 "Basic Benefit"

The "Basic Benefit" is paid for by the employer and is payable in a lump sum on exit from employment at or after age 55 (in accordance with the Federal Government's payment standards) and on total and permanent invalidity (two doctor's certificates certifying total and permanent invalidity are required) or death before that age. In other circumstances of exit from employment before age 55, (e.g. resignation) the benefit is generally required to be preserved.

Generally, a period of leave without pay of five days or more does not count as service for the "Basic Benefit".

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For more information

**Contact**

Pillar’s Customer Service Centre can assist you with information about your fund membership. The telephone service is available Monday to Friday from 8.30 am to 5.30 pm for members of:

**First State Super**

- Telephone: 1300 650 873
- Internet: www.firststatesuper.nsw.gov.au

**State Authorities Superannuation Scheme**

- Telephone: 1300 130 095
- Internet: www.statesuper.nsw.gov.au

**State Super Scheme**

- Telephone: 1300 130 096
- Internet: www.statesuper.nsw.gov.au

For personal interviews the advisory service is available, Monday to Friday from 8.30 am to 5.00 pm at:

- Level 18
- 83 Clarence Street
- Sydney NSW 2000

You will need to make an appointment by calling 9238 5540. (Interviews may also be arranged in Wollongong and Port Macquarie)

You can also have a personal interview at one of the following regional offices located within the offices of State Super Financial Services:

- 90 Phillip Street, Parramatta 2150
  - Telephone 9893 7355 or freecall 1800 626 000

- Level 2, 134 King Street, Newcastle 2300
  - Telephone 4929 7044 or freecall 1800 807 855

You can address correspondence to the Pillar Customer Service Centre at:

- GPO Box 5328
- Sydney NSW 2001

**Choice of funds**

If you have elected to have your superannuation contributions paid to a fund other than those listed above you should contact your fund for information regarding entitlements.
## Appendices

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13.1 Addresses and Phone Numbers

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<td><strong>Albury District Office</strong></td>
</tr>
<tr>
<td>521 Macauley Street</td>
</tr>
<tr>
<td>Albury NSW 2640</td>
</tr>
<tr>
<td>Phone (02) 6051 4300</td>
</tr>
<tr>
<td>Fax (02) 6041 3258</td>
</tr>
<tr>
<td><strong>Campbelltown District Office</strong></td>
</tr>
<tr>
<td>Cnr Lindesay &amp; Lithgow Streets</td>
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<tr>
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<tr>
<td>Phone (02) 4633 2700</td>
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<td><strong>Armidale District Office</strong></td>
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<td>North Power Building</td>
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<td>Armidale NSW 2350</td>
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<td>Phone (02) 6776 4100</td>
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<tr>
<td><strong>Central Coast District Office</strong></td>
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<tr>
<td>Level 3, 40 Mann Street</td>
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<td>Fax (02) 4348 9199</td>
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<td><strong>Bankstown District Office</strong></td>
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<tr>
<td>11 Union Street</td>
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<tr>
<td>Riverwood NSW 2210</td>
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<tr>
<td>Phone (02) 9408 8900</td>
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<td>Fax (02) 9408 8999</td>
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<tr>
<td><strong>Clarence/Coffs Harbour District Office</strong></td>
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<td><strong>Bathurst District Office</strong></td>
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<td>PO Box 702</td>
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<tr>
<td>Bathurst NSW 2795</td>
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<tr>
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<td><strong>Blacktown District Office</strong></td>
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<td>Nirimba Education Precinct</td>
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<td>Eastern Road</td>
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<tr>
<td>Quakers Hill NSW 2763</td>
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<td><strong>Fairfield District Office</strong></td>
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<td>Strathfield NSW 2135</td>
</tr>
<tr>
<td>Phone (02) 9582 6300</td>
</tr>
<tr>
<td>Fax (02) 9582 6340</td>
</tr>
<tr>
<td><strong>Broken Hill District Office</strong></td>
</tr>
<tr>
<td>4 Sulphide Street</td>
</tr>
<tr>
<td>PO Box 459</td>
</tr>
<tr>
<td>Broken Hill NSW 2880</td>
</tr>
<tr>
<td>Phone (08) 8082 5700</td>
</tr>
<tr>
<td>Fax (08) 8082 5740</td>
</tr>
<tr>
<td><strong>Griffith District Office</strong></td>
</tr>
<tr>
<td>Government Offices</td>
</tr>
<tr>
<td>104-110 Banna Avenue</td>
</tr>
<tr>
<td>Griffith NSW 2680</td>
</tr>
<tr>
<td>Phone (02) 6961 8100</td>
</tr>
<tr>
<td>Fax (02) 6964 1386</td>
</tr>
</tbody>
</table>
Hornsby District Office
Level 2, 20 George Street
PO Box 450
Hornsby NSW 2077
Phone (02) 9987 3900
Fax (02) 9987 3928

Lake Macquarie District Office
Cnr Smith & Frederick Streets
PO Box 543
Charlestown NSW 2290
Phone (02) 4974 4000
Fax (02) 4942 4229

Lismore District Office
154 Ballina Road
PO Box 4029
Goonellabah NSW 2480
Phone (02) 6623 5900
Fax (02) 6623 5917

Liverpool District Office
Roy Watts Road
PO Box 21
Glenfield NSW 2167
Phone (02) 9203 9900
Fax (02) 9203 9999

Maitland District Office
Level 1, 2 Caroline Place
Maitland NSW 2320
Phone (02) 4931 3500
Fax (02) 4931 3599

Moree District Office
66-68 Frome Street
PO Box 207
Moree NSW 2400
Phone (02) 6757 3000
Fax (02) 6757 3043

Mt Druitt District Office
Hindemith Avenue
Emerton NSW 2770
Phone (02) 8808 4900
Fax (02) 9628 2413

Newcastle District Office
Cnr Glebe & Brunker Roads
PO Box 82
Adamstown NSW 2289
Phone (02) 4904 3900
Fax (02) 4904 3950

Northern Beaches District Office
72 Fisher Road
Dee Why NSW 2099
Phone (02) 9941 3000
Fax (02) 9941 3030

Orange District Office
2B Peisley Street
PO Box 53
Orange NSW 2800
Phone (02) 6392 8400
Fax (02) 6392 8445

Parramatta District Office
9 Albert Street
North Parramatta NSW 2151
Phone (02) 9806 1500
Fax (02) 9806 1554

Penrith District Office
51 Henry Street
Penrith NSW 2750
Phone (02) 4724 8799
Fax (02) 4724 8777

Port Jackson District Office
Church Street
St Peters NSW 2044
Phone (02) 9582 5800
Fax (02) 9582 5899

Port Macquarie District Office
Findlay Avenue
PO Box 1586
Port Macquarie NSW 2444
Phone (02) 6586 6900
Fax (02) 6586 6999

Queanbeyan District Office
Level 1, City Link Plaza
24-36 Morrisset Street
Queanbeyan NSW 2620
Phone (02) 6200 5000
Fax (02) 6299 0412

Ryde District Office
Level 5
13-15 Lyopark Road
North Ryde NSW 2113
Phone (02) 9886 7000
Fax (02) 9886 7070

Shellharbour District Office
Cnr Shellharbour & Lake Entrance Roads
PO Box 118
Warilla NSW 2528
Phone (02) 4251 9900
Fax (02) 4251 9945

St George District Office
Teluba
Cnr Segenhoe & Avenal Streets
Amcliffe NSW 2205
Phone (02) 9582 2800
Fax (02) 9556 3097
Sutherland District Office
Cnr The Kingsway & Sylva Avenue
Miranda NSW 2228
PO Box 367
Miranda NSW 1490
Phone (02) 9531 3900
Fax (02) 9531 3999

Tamworth District Office
Noel Park House
155-157 Marius Street
PO Box 370
Tamworth NSW 2340
Phone (02) 6755 5000
Fax (02) 6755 5020

Taree District Office
Middle Street
PO Box 661
Forster NSW 2428
Phone (02) 6591 7600
Fax (02) 6591 7608

Tweed Heads/Ballina District Office
12-14 King Street
PO Box 828
Murwillumbah NSW 2484
Phone (02) 6670 2300
Fax (02) 6672 5192

Wagga Wagga District Office
Level 2, 76 Morgan Street
PO Box 478
Wagga Wagga NSW 2650
Phone (02) 6937 3800
Fax (02) 6937 3899

Wollongong District Office
414-416 Crown Street
West Wollongong NSW 2500
PO Box 163
Keirville NSW 2500
Phone (02) 4224 9200
Fax (02) 4224 9247
NSW Department of Education and Training State Office Contacts

Administrative Staff Services
140 William Street
Bathurst NSW 2795
Locked Bag 1010
Bathurst NSW 2795
Phone 132528
Fax (02) 6331 9741

Casual Employees Payroll Services
Locked Bag 3010
Blacktown NSW 2148
Phone 131074
Fax (02) 9831 6755

Corporate Staffing
Level 13, 1 Oxford Street
Darlinghurst NSW 2010
Phone (02) 9266 8174
Fax (02) 9266 8109

School Staffing Unit
Level 2, 22 Main Street
Blacktown NSW 2148
Locked Bag 3003
Blacktown NSW 2148
Phone 131075
Fax 1300 300 902

Teacher Salaries
84 Crown Street
Wollongong NSW 2520
Locked Bag 12
Wollongong East NSW 2520
Phone 131073
Fax (02) 4224 9393

Teacher Services
117 Bull Street
Newcastle NSW 2300
Locked Bag 6
Hamilton Delivery Centre
Hamilton NSW 2303
Phone 132527
Fax (02) 4929 2912
Other Addresses

HealthQuest
Confidential Medical Certificates
The Director
HealthQuest
Level 13, 59 Goulburn Street
Sydney NSW 2000
PO Box K609
Haymarket NSW 1240
Phone (02) 9289 7700 Fax (02) 9289 7799

HealthQuest Appeals Committee (A committee of the HealthQuest Board)
PO Box K609
Haymarket NSW 1240
Phone (02) 9289 7705 Fax (02) 9289 7799

Government and Related Employees Appeal Tribunal (GREAT)
Level 2, 1 Oxford Street
Darlinghurst NSW 2010
Phone (02) 9020 4750 Fax (02) 9020 4790

Pillar
Administration
83 Clarence Street
Sydney NSW 2000
PO Box 1229
South Coast Mail Centre NSW 2521
Phone (02) 9238 5555

Contact Centres
www.statesuper.nsw.gov.au
www.firststatesuper.nsw.gov.au

Teacher Housing Authority
St Martin’s Tower
Level 14, 31 Market Street
Sydney NSW 2000
Phone (02) 9260 2000 Fax (02) 9261 4227

PO Box Q339
QVB Post Shop
Sydney NSW 1230
## 13.2 Staff Welfare

### Staff Welfare Officers’ Contact Numbers

<table>
<thead>
<tr>
<th>District Office</th>
<th>Telephone</th>
<th>Fax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albury</td>
<td>(02) 6051 4323</td>
<td>(02) 6041 3258</td>
</tr>
<tr>
<td>Armidale</td>
<td>(02) 6776 4115</td>
<td>(02) 6776 4145</td>
</tr>
<tr>
<td>Bankstown</td>
<td>(02) 9408 8927</td>
<td>(02) 9408 8999</td>
</tr>
<tr>
<td>Batemans Bay</td>
<td>(02) 4475 3324</td>
<td>(02) 4475 3340</td>
</tr>
<tr>
<td>Bathurst</td>
<td>(02) 6334 8215</td>
<td>(02) 6332 1766</td>
</tr>
<tr>
<td>Blacktown</td>
<td>(02) 9208 7608</td>
<td>(02) 9208 7629</td>
</tr>
<tr>
<td>Bondi</td>
<td>(02) 9298 6917</td>
<td>(02) 9298 6940</td>
</tr>
<tr>
<td>Broken Hill</td>
<td>(08) 8082 5719</td>
<td>(08) 8082 5740</td>
</tr>
<tr>
<td>Campbelltown</td>
<td>(02) 4633 2727</td>
<td>(02) 4633 2749</td>
</tr>
<tr>
<td>Central Coast</td>
<td>(02) 4348 9106</td>
<td>(02) 4348 9199</td>
</tr>
<tr>
<td>Clarence/Coffs Harbour</td>
<td>(02) 6641 5030</td>
<td>(02) 6641 5099</td>
</tr>
<tr>
<td>Deniliquin</td>
<td>(03) 5898 3700</td>
<td>(03) 5881 5851</td>
</tr>
<tr>
<td>Dubbo</td>
<td>(02) 6883 6312</td>
<td>(03) 6884 3787</td>
</tr>
<tr>
<td>Fairfield</td>
<td>(02) 9793 4906</td>
<td>(02) 9793 4943</td>
</tr>
<tr>
<td>Granville</td>
<td>(02) 9582 6316</td>
<td>(02) 9582 6340</td>
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<tr>
<td>Griffith</td>
<td>(02) 6961 8122</td>
<td>(02) 6964 1386</td>
</tr>
<tr>
<td>Hornsby</td>
<td>(02) 9987 3912</td>
<td>(02) 9987 3928</td>
</tr>
<tr>
<td>Lake Macquarie</td>
<td>(02) 4974 4013</td>
<td>(02) 4942 4229</td>
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<tr>
<td>Lismore</td>
<td>(02) 6623 5915</td>
<td>(02) 6623 5917</td>
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<tr>
<td>Liverpool</td>
<td>(02) 9203 9904</td>
<td>(02) 9203 9999</td>
</tr>
<tr>
<td>Maitland</td>
<td>(02) 4931 3513</td>
<td>(02) 4931 3599</td>
</tr>
<tr>
<td>Moree</td>
<td>(02) 6757 3026</td>
<td>(02) 6757 3043</td>
</tr>
<tr>
<td>Mount Druitt</td>
<td>(02) 8808 4917</td>
<td>(02) 9628 2413</td>
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<td>Newcastle</td>
<td>(02) 4904 3927</td>
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<tr>
<td>Northern Beaches</td>
<td>(02) 9941 3020</td>
<td>(02) 9941 3030</td>
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<tr>
<td>Orange</td>
<td>(02) 6392 8425</td>
<td>(02) 6392 8445</td>
</tr>
<tr>
<td>Parramatta</td>
<td>(02) 9806 1540</td>
<td>(02) 9806 1554</td>
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<tr>
<td>Penrith</td>
<td>(02) 4724 8706</td>
<td>(02) 4724 8777</td>
</tr>
<tr>
<td>Port Jackson</td>
<td>(02) 9582 5826</td>
<td>(02) 9582 5899</td>
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<tr>
<td>Port Macquarie</td>
<td>(02) 6586 6915</td>
<td>(02) 6586 6999</td>
</tr>
<tr>
<td>Queanbeyan</td>
<td>(02) 6200 5000</td>
<td>(02) 6299 0412</td>
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<tr>
<td>Ryde</td>
<td>(02) 9886 7015</td>
<td>(02) 9886 7070</td>
</tr>
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<td>Shellharbour</td>
<td>(02) 4251 9943</td>
<td>(02) 4251 9945</td>
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<tr>
<td>St George</td>
<td>(02) 9582 2878</td>
<td>(02) 9556 3097</td>
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<tr>
<td>Sutherland</td>
<td>(02) 9531 3971</td>
<td>(02) 9531 3999</td>
</tr>
<tr>
<td>Tamworth</td>
<td>(02) 6755 5022</td>
<td>(02) 6755 5020</td>
</tr>
<tr>
<td>Taree</td>
<td>(02) 6591 7620</td>
<td>(02) 6591 7608</td>
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<tr>
<td>Tweed Heads/Ballina</td>
<td>(02) 6670 2303</td>
<td>(02) 6672 5192</td>
</tr>
<tr>
<td>Wagga Wagga</td>
<td>(02) 6937 3816</td>
<td>(02) 6937 3899</td>
</tr>
<tr>
<td>Wollongong</td>
<td>(02) 4224 9210</td>
<td>(02) 4224 9247</td>
</tr>
</tbody>
</table>

### NSW Teachers Federation Welfare Officers’ Contact Numbers

- **Telephone**: (02) 9217 2100
- **Toll Free**: 1300 654 369
- **Facsimile**: (02) 9217 2470

### Contacts for Area Health Service Centres

For services provided by NSW Health, contact your local area health service or ring their general switchboard number on (02) 9391 9000. Alternatively information can be obtained from the NSW Health website [http://www.health.nsw.gov.au](http://www.health.nsw.gov.au).
Contacts for Area Offices of the NSW Department of Community Services

For services provided by NSW Department of Community Services, contact your local area office or ring their general switchboard number on (02) 9716 2222; Mandatory Reporting 133627 or Helpline 132111. Alternatively information can be obtained from the NSW Department of Community Services website http://www.community.nsw.gov.au/
Appendix 13.3  OHS Workplace Requirements

Workplace Hazards

13.3.1 Workplace Environment

Safe Access and Egress
There are specific requirements under the OHS Regulation.
The key points are:
• Access and egress routes are clear, safe and without risks to health and safety.
• Sufficient space is to be provided to work safely.
• Lighting is adequate to facilitate safe access and egress.
• Exits, including emergency exits, are to be clearly marked with appropriate signage.

Noise
There are specific requirements under the OHS Regulation.
The key points are:
• Appropriate noise risk assessments are conducted in all relevant areas.
• Control measures are in place to prevent exposure where noise levels:
  (a) exceed an 8 hour noise level equivalent of 85 dB (A)*; or
  (b) peak at more than 140 dB* (C)
(Conduct noise risk assessments if there is a need for someone to raise their voice regularly to communicate with others or if a person experiences ringing in the ears.)
• Information, instruction and training about appropriate noise control measures including the use of personal protective equipment are provided.

* dB(A) and dB(C) refers to decibels which measures noise loudness.

Lighting
There are specific requirements under the OHS Regulation.
The key points are:
• Adequate lighting is provided to undertake tasks safely (including outdoor activities).
• Control measures are taken to reduce glare or reflection created by unshielded lights, reflecting surfaces and sunlight.
• Adequate lighting is provided to allow persons (including non-employees) to move safely around the workplace, including access and egress.
• Emergency exits are adequately lit and maintained.

Cold and Heat
There are specific requirements under the OHS Regulation.
The key points are:
• Adequate ventilation and air movement are provided in indoor environments that may become hot.
• Adequate access is provided to heated or sheltered work areas in environments that may become cold.
• Appropriate work and rest regimes relative to individuals exposed to extremes of temperature are implemented.

Slips, Trips and Falls
There are specific requirements under the OHS Regulation.
The key points are:
• Potential risks in relation to slips, trips and falls are identified, assessed and eliminated or controlled.
• Floors are designed to be safe without risks of slips, trips or falls, with adequate drainage and appropriate floor coverings.
13.2 Working At Heights

There are specific requirements under the OHS Regulation.

The key points are:

- Risks associated with activities undertaken above ground level, are identified, assessed and controlled to eliminate or minimise risks of falling.
- Fall prevention equipment and systems are in place for all activities undertaken 2 metres or more above ground level.
- Relevant staff are informed, instructed and trained in safe working practices and the use of fall prevention equipment.
- The equipment used is appropriate for the task and is properly maintained.
- Proper storage of items is maintained to facilitate safe retrieval.

If possible, avoid the need to work above ground level.

13.3.2 Manual Handling

There are legislative requirements under the OHS Regulation.

The key points are:

- All manual handling risks, including the potential for occupational overuse syndrome, are identified and assessed.
- Risks are eliminated or, if this is not possible, controlled.
- Risk assessments take into consideration all relevant factors such as weight, position, access and stability.
- Staff are trained in manual handling techniques, correct use of mechanical aids and team lifting procedures.
- Work practices and work environment are designed so as to eliminate risks arising from manual handling.

As far as reasonably practicable, risk control is achieved by means other than team lifting.
13.3.3 Mechanical and Electrical Plant

**Plant, Equipment and Machinery**
There are specific requirements under the OHS Regulation.
The key points are:
- Adequate information, instruction, training and supervision are provided.
- Plant is used in accordance with the manufacturer’s instructions and advice.
- Guards are fitted, correctly used and maintained.
- Emergency stop switches are fitted, clearly identified and easily accessible.
- There is sufficient space around plant for safe access, egress and safe operation.
- Inspections, testing, repair, maintenance and disposal are carried out in accordance with the manufacturer’s instructions and by a competent person.
- Tractors and other mobile plant are fitted with roll-over protection.
- Other appropriate operator protective devices are provided, used and maintained for powered mobile plant.
- DET risk assessment controls for plant and equipment are implemented.

**Electricity**
There are specific requirements under the OHS Regulation.
The key points are:
- The risk of injury from electricity is eliminated or controlled.
- A test register is maintained for all electrical equipment.
- All electrical installations and equipment are regularly inspected, tested and maintained to ensure they remain safe.
- Electrical testing and tagging (compliance with Australian Standard 3760) is performed.
- Electrical testing is undertaken by competent persons and maintenance is undertaken by authorised qualified persons.
- Adequate warning signs are provided to restrict access near electrical hazards.
- Extension leads and flexible cables do not pose a trip hazard.

13.3.4 Hazardous Substances

**Chemical Safety**
There are specific requirements under the OHS Regulation.
The key points are:
- A chemical register is maintained and readily accessible to all staff.
- Material Safety Data Sheets (MSDS) are accessible for all chemicals used
- Containers are clearly labelled and safely stored.
- Risk assessments and training are documented and records are retained for at least 5 years.
- Appropriate information, instruction and training is given to relevant staff.
- DET procedures specified in Chemical Safety in Schools are implemented.

**Biological Safety**
Requirements flow from the general duties provisions of the OHS Act. Biological safety is integrated into the overall documentation for a specific area. The DET intranet is the appropriate source of information.
The key points are:
- The potential for cross infection is risk assessed.
- Gloves and other personal protective clothing are provided.
- A high standard of personal hygiene is maintained (hand washing).
- Soiled equipment/materials are disposed of as appropriate.
- Immunisation (Hepatitis A or B) is recommended in areas of high risk.

**Atmosphere**
There are specific requirements under the OHS Regulation. The key points are:

- Potential risks associated with exposure to atmospheric contaminants are identified, assessed and eliminated or controlled.
- Adequate mechanical ventilation is provided to control atmospheric contaminants and ventilation is regularly maintained.

13.3.5 Psychological Hazards

**Workplace Violence**

There are specific requirements under the OHS Regulation. The key points are:

- Causes of potential violence are identified, risks assessed and control measures are implemented.
- Control measures are regularly monitored and reviewed for effectiveness.
- There is a procedure for reporting incidents.
- Staff are consulted on matters relating to their health and safety.

**Stress**

There are specific requirements under the OHS Regulation. The key points are:

- Risks factors affecting psychological health are identified, assessed and eliminated or controlled.
- Risk assessments, control measures and review processes are documented.
- Staff receive induction training and are appropriately trained to perform their duties.
- Staff are consulted and encouraged to contribute their ideas.
Workplace Hazards

Purchasing of Materials, Equipment and Substances

There are specific requirements under the OHS Regulation. The key points are:
- Risk assessments of proposed purchases are conducted to ensure selection of the safest option.
- Purchase of equipment, materials and substances meets OHS standards.
- Mandatory employer requirements regarding the use of appropriate NSW supply contracts are followed:
  - Contract 027/7232, Industrial Equipment for Schools
  - Contract 036/0369, DET Tractors for Teaching and Learning

Signs and Posters

There are specific requirements under the OHS Regulation. The key points are:
- Mandatory warning signs and posters are displayed in prominent positions.
- Appropriate and adequate warning signs and posters are provided at or near the source of the hazard.
- Tasks and areas requiring use of personal protective equipment are identified by appropriate signage.

Health Care and Safety

6.8.1 First Aid

There are specific requirements under the OHS Regulation. The key points are:
- Adequate first aid facilities and equipment are provided based on a risk management approach.
- Access is available to appropriate first aid facilities at all times.
- First aid officer/s are appointed, trained and hold a current first aid certificate.
- Staff are aware of the location of first aid kit/s and the identity of first aid officer/s.
- First aid kit/s are provided and maintained as specified by the OHS Regulation.
- A Register of Injuries and student first aid register are maintained.
- First aid facilities are clearly marked in accordance with Australian Standard 1319.

6.8.1.1 First Aid Kits

There are specific requirements under the OHS Regulation. The key points are:
- First Aid Kit A is required where there are 100 or more staff.
- First Aid Kit B is required where there are 10 to 99 staff.
- First Aid Kit C is required where there are fewer than ten staff and for supply in all Departmental vehicles.
6.8.1.2 First Aid Kit – Contents

There are specific requirements under the OHS Regulation. The key points are:

<table>
<thead>
<tr>
<th>Item</th>
<th>Kit A</th>
<th>Kit B</th>
<th>Kit C</th>
</tr>
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<tbody>
<tr>
<td>Adhesive plastic dressing strips, sterile, packets of 50</td>
<td>2</td>
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<td>1</td>
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<tr>
<td>Adhesive dressing tape, 2.5 cm × 5 cm</td>
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<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Bags, plastic, for amputated parts:</td>
<td></td>
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<tr>
<td>♦ Small</td>
<td>2</td>
<td>1</td>
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<td>♦ Medium</td>
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<td>1</td>
<td>1</td>
</tr>
<tr>
<td>♦ Large</td>
<td>2</td>
<td>1</td>
<td>-</td>
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<td>Dressings, non-adherent, sterile, 7.5 cm × 7.5 cm</td>
<td>5</td>
<td>2</td>
<td>-</td>
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<tr>
<td>Eye pads, sterile</td>
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<td>2</td>
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<td>Gauze bandages:</td>
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<td>♦ 10 cm</td>
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<td>Gloves, disposable, single</td>
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<td>Splinter forceps</td>
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<td>Sterile eyewash solution, 10 ml single use ampules or sachets</td>
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<tr>
<td>Swabs, prepacked, antiseptic, packs of 10</td>
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<tr>
<td>Triangular bandages, minimum 90 cm</td>
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<tr>
<td>Wound dressings, sterile, non-medicated, large</td>
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<tr>
<td>First-aid pamphlet as approved by WorkCover (issued by the</td>
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<tr>
<td>St John Ambulance or the Australian Red Cross Society)</td>
<td>1</td>
<td>1</td>
<td>1</td>
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</tbody>
</table>

6.8.2 Personal Protective Equipment

There are specific requirements under the OHS Regulation. The key points are:

- Personal protective equipment (PPE) is provided and used in addition to existing control measures to minimise risk.
- PPE is provided and paid for by the employer.
- PPE is appropriate to the task and to the person.
- Training including information about any limitations of the PPE is provided to the user.
- There is an established maintenance and cleaning programme for PPE.
- Areas requiring the use of PPE are clearly marked with appropriate signage.

6.8.3 Amenities

There are specific requirements under the OHS Regulation. The key points are:

- Appropriate amenities are provided for the welfare and personal hygiene of staff.
- Appropriate amenities are provided based on risk assessments.
- Amenities and accommodation are maintained in a safe and healthy condition.
6.8.4 Managing Emergencies

There are specific requirements under the OHS Regulation. The key points are:

- Potential emergency situations are identified, based on the nature of hazards; size and location of the workplace; and number and mobility of staff and students.
- Evacuation procedures are prominently displayed and communicated to all.
- Adequate numbers of staff are appointed and trained to oversee evacuation.
- Evacuation procedures are practised regularly by all staff and students.
- Location of emergency equipment (e.g., fire extinguishers) is known to all staff and students.
- Emergency alarms are clearly audible.
- Emergency exits are clearly marked, adequately lit and free of obstructions.

6.8.5 Non-Smoking

Requirements flow from the general duties provisions of the OHS Act. The Department’s Policy, Non-Smoking in the Workplace 88/061 (S.034) is available on the DET intranet.

The key point is:

- Smoking is totally prohibited in all government schools including school grounds.

Further Information

For advice on issues relating to occupational health and safety, staff welfare, workers’ compensation, injury management and rehabilitation speak to your principal or staff support officer (telephone 131 536). The OH&S Directorate also provides system support and advice to all DET workplaces.

Further information can be found at:

<table>
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<tr>
<th>DET resources</th>
<th>OH&amp;S Directorate webpage</th>
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### Legal Issues Bulletins:

No. 9  Assault arising from use of reasonable physical restraint of students  
No. 2  Use of knives or offensive weapons  

### Guidelines for schools and TAFE NSW colleges and campuses: Management of Serious incidents, 2000  

### Safe use and guarding of plant in schools, Memorandum to Principals, DN/03/00012, January 2003  

### School Asset Management Guidelines, 1998  

### WorkCover resources

**Occupational Health and Safety Regulation 2001:**  

**Code of Practice: Noise Management and Protection of Hearing at Work, 1997**  

**Portable ladders guide - Safety guide 4503, 1999**  

**Plant guide, WorkCover NSW, 2001**  

**Violence in the Workplace guide 2002**  

**First Aid in the Workplace guide, 2001**  

**Code of Practice: Workplace Amenities, 2001**  

**Backpak, 1998**

### Standards Australia


**AS1319: Safety Signs for the Occupational Environment**